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Dominions

No. 19.

CONFIDENTIAL.

FURTHER CORRESPONDENCE

[July 7, 1909, to April, 1911]

RELATING TO THE

IMPERIAL CONFERENCE.

(In continuation of Dominions No. 11 ; continued by Dominions No. 39.)

IMPERIAL CONFERENCE SECRETARIAT,

June, 1911.

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1.

(Resolution I.)—(a) Constitution and Procedure of Imperial Conference and Secretariat.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
1*	War Office	—	February 11	States that the Army Council are not as yet prepared to propose any subjects of military interest for discussion at the forthcoming Conference, but will do so when the work of giving effect to the conclusions of the late special Conference on naval and military defence is more advanced.	1
2*	To the Governors-General of Canada and Australia and the Governors of New Zealand and Newfoundland.	Telegram	March 9	Asks to be furnished with any proposals which their Governments may have to make as to the subjects to be considered by the next Imperial Conference.	1
3*	To War Office	—	March 16	Enquires whether the Army Council are yet in a position to propose any subjects of military interest for discussion at the next Imperial Conference.	1
4*	To Home Office	—	March 16	States that Lord Crewe presumes that the description contained in Home Office letter of 20th May, 1908, of the arrangements with South Africa for preventing the arrival in the United Kingdom of undesirable aliens who are expelled from the Colony still holds good, and that if so he would propose to explain the arrangement to the Governments of the other Dominions as a subject suggested for discussion at the next Imperial Conference.	1
5*	To Board of Trade and Admiralty.	—	March 16	Enquires whether the Board of Trade and the Admiralty are yet in a position to propose any questions affecting trade relations and the Admiralty for discussion at the next meeting of the Imperial Conference.	2
6*	War Office	—	March 21	States that the Army Council are not as yet prepared to propose any subjects of military interest for discussion.	2
7*	The Governor	Newfoundland, 30.	March 31 (Rec. Apr. 18.)	Transmits copy of a letter from the Prime Minister stating that Ministers are not now in a position to submit any proposals, but will give the matter their best consideration in the near future.	2
8*	To General Post Office.	—	July 9	Enquires whether there is any business affecting the General Post Office which could usefully be suggested for discussion at the next meeting of the Imperial Conference.	2

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
9*	To the Governor-General.	South Africa, 103.	July 14	Requests that his Ministers will inform the Secretary of State as soon as possible what matters they would desire to propose as subjects of discussion at the Conference of 1911.	2
10*	Home Office ...	—	July 14	Suggests that a memorandum should be prepared for circulation to the Dominions giving the main outlines of the undesirable aliens question, indicating the way in which it is dealt with at the present time and the points in which improvement is desirable.	2
11*	The Governor ...	New Zealand, Telegram.	(Rec. July 23)	Reports that his Ministers hope to be able to supply subjects at an early date.	2
12	New Zealand House of Representatives.	New Zealand.	September 23	Extract from a speech by Mr. Herries on the method of representing the views of the Dominion at the next Imperial Conference, and the Prime Minister's reply.	3
13	To the Governors-General of Canada, Australia, and South Africa, and the Governors of New Zealand and Newfoundland.	Telegram	October 6	Suggests that the next Imperial Conference should be held about the middle of May next before the Coronation, and asks for an expression of the views of Ministers at their early convenience.	7
14	Ditto ...	Telegram	October 6	Asks that the earliest possible consideration may be given to the subjects for discussion at the Imperial Conference next year.	8
15	The Governor ...	New Zealand, Telegram.	(Rec. Oct. 10)	States that the Prime Minister suggests the first week in May for the holding of the Conference, and states that the subjects for discussion will be transmitted by cable.	8
16	Ditto ...	Newfoundland, Telegram.	(Rec. Oct. 10)	States that Ministers have not agreed on any subject for the agenda, but will give the earliest possible notice of it if they do; and that the date named for the holding of the Conference will be suitable.	8
17	Ditto ...	New Zealand, Telegram.	(Rec. Oct. 11)	States the subjects proposed for discussion at the next Conference.	8
18	Ditto ...	New Zealand, Telegram.	(Rec. Oct. 12)	Adds currency of Imperial and overseas coinage to the list of subjects in No. 17.	9
19	The Governor-General.	Australia, Telegram.	(Rec. Oct. 19)	Reports that the middle of May would be acceptable to Commonwealth Ministers; subjects for discussion are now under their consideration.	9
20	To the Governor ...	New Zealand, Telegram.	October 19	States that replies have been received only from Australian and Newfoundland Governments who agree to the Conference being held in May; suggests that subjects for discussion should be put in the form of concrete resolutions.	10

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
21	To the Governors-General of Canada, Australia, and South Africa, and the Governor of Newfoundland.	Telegram	October 19	Suggests that the subjects proposed for discussion at the Conference should be embodied in concrete resolutions.	10
22	The Governor-General.	South Africa, Telegram, 1.	October 21 (Rec. Oct. 22.)	States that Ministers concur in the suggestion that the middle of May would be a suitable time for the holding of the first meeting of the Conference.	10
23	Ditto ...	South Africa, Telegram, 2.	October 21 (Rec. Oct. 22.)	States that Ministers intend, at an early date after the opening of Parliament, to submit their proposals with regard to subjects for discussion.	10
24	The Governor ...	Newfoundland, Telegram	(Rec. Oct. 26)	States that Ministers have no resolution at present to put before the Conference, but that should any arise later the earliest notice will be given.	11
25	Ditto ...	Newfoundland, Telegram.	(Rec. Nov. 1)	States that his Ministers desire to place on agenda question of subsidy for line of steamers between Great Britain and Newfoundland or between Great Britain and Canada via Newfoundland and Newfoundland Railway.	11
26	To the Governor ...	Newfoundland, Telegram.	November 3	Assumes that his Ministers will frame a definite resolution on the question of a subsidy for a line of steamers between Great Britain and Newfoundland for circulation to the other Governments.	11
27	To the Governor-General.	Canada, Telegram.	November 4	States that the New Zealand Government suggest first week in May for Conference; Australia, New Zealand, and South Africa agree to middle of May; asks whether latter date would be convenient to his Ministers.	11
28	To the Governors-General and Governors.	Canada, 834, Australia, 427, South Africa, 285, New Zealand, 263, Newfoundland, 199.	November 11	Transmits copies of Nos. [17], [18], [25], 20, and 26.	12
29	The Governor-General.	Canada, Telegram.	(Rec. Nov. 15)	States that the Dominion Government would prefer that the Conference should meet on 1st June, but if middle of May is more convenient to other Governments Ministers will endeavour to meet their wishes.	12
30	To the Governor-General.	Canada, Telegram.	November 21	Suggests that the Conference should meet not later than in the week beginning 22nd May.	12
31	To the Governor ...	New Zealand, Telegram.	November 21	Proposes that the Imperial Conference should commence in week beginning 22nd May.	13
32	To the Governors-General of Australia and South Africa and the Governor of Newfoundland.	Telegram	November 21	Ditto ...	13

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
33	New Zealand House of Representatives.	New Zealand.	November 23	Extract from the debates on the question of the right of the Dominion to submit for discussion a proposal affecting the domestic politics of the Mother Country.	13
34	Commonwealth of Australia House of Representatives.	Australia.	November 25	Report of the debate on the subjects proposed for discussion at the Imperial Conference.	14
35*	The Governor ...	Newfoundland, 135.	November 16 (Rec. Nov. 28.)	Transmits copy of a resolution prepared by his Ministers in favour of the establishment of a subsidised line of steamers between Great Britain, Canada, and Newfoundland.	26
36	The Governor-General.	Australia, Telegram.	(Rec. Nov. 28)	States that the date suggested for the opening of the Conference, namely, 22nd May, 1911, is acceptable to his Prime Minister.	26
37	The Governor ...	New Zealand, Telegram.	(Rec. Nov. 28)	States that his Prime Minister does not propose to deal with the resolutions relating to the negotiation of commercial treaties and the reciprocal admission of surveyors to practice.	26
38*	Ditto ...	New Zealand, Telegram.	(Rec. Nov. 29)	Furnishes a list of the subjects which the Government of the Dominion desire to have discussed at the next Imperial Conference.	27
39	To the Governors-General of Canada, Australia, and South Africa, and the Governor of Newfoundland.	Telegram	November 29	Conveys purport of No. 37 ...	27
40	Ditto ...	Canada, 339, Australia, 467, South Africa, 329, Newfoundland, 212.	December 1	Transmits copies of No. 35 ...	27
41	The Governor-General.	South Africa, Telegram.	December 5 (Rec. Dec. 5.)	States that the date mentioned for the opening of the Conference will be convenient to the Union representatives.	27
42	General Post Office	—	December 12	States that memoranda will shortly be supplied on the various questions affecting the General Post Office which are to come before the Conference.	28
43	To the Governors-General and Governors.	Canada, 292, Australia, 466, South Africa, 329, New Zealand, 290.	December 15	Transmits copy of No. 35 ...	28
44	To the Governor ...	Newfoundland, 222.	December 15	Acknowledges the receipt of No. 35, and, in reply, refers to No. 40.	29

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
45*	To the Governors-General of Canada, Australia, and South Africa, and the Governors of New Zealand and Newfoundland.	Telegram	December 19	Suggests desirability of the preparation of a provisional agenda for the Conference as soon as possible; suggests the convenience of discussions of certain subjects by sub-committees; proposes to frame the agenda on the basis of the New Zealand and Newfoundland list of subjects, and asks to be informed of any subjects to be proposed by Canada, Australia, and South Africa.	29
46	To the Governors-General of Canada, Australia, and South Africa.	Telegram	December 19	Urges the convenience of furnishing at the earliest possible date a list of any subjects that it is desired to discuss at the Conference, so that memoranda thereon may be communicated to Ministers in sufficient time for their consideration.	29
47	To General Post Office.	—	December 23	Asks that the memoranda mentioned in No. 42 may be forwarded in a form suitable for communication to the Dominions, any remarks which it is not desirable to send to the Dominions being forwarded separately.	29
48*	The Governor-General.	Australia, Telegram.	(Rec. Dec. 24)	Forwards Resolutions which Ministers propose to submit to the Conference.	30
49	The Governor ...	Newfoundland, Telegram.	(Rec. Dec. 29)	States that his Ministers agree to the suggestions made for the arrangement of the agenda.	30
50	To the Governors-General and Governors.	Canada, 954, South Africa, 370, New Zealand, 300, Newfoundland, 228.	December 29	Transmits copy of No. 48 ...	30
1911.					
51	The Governor ...	New Zealand, Telegram.	(Rec. Jan. 6)	States that the proposal to hold the Conference beginning May 22 is satisfactory to his Prime Minister.	31
52*	The Governor-General.	Australia, Telegram.	(Rec. Jan. 9)	States that his Government desire to discuss the questions of the mutual relations between the naval and military forces of the United Kingdom and those of the Dominions and the status of the Dominions navies.	31
53	To the Governors-General and Governors.	Canada, 28, South Africa, 28, New Zealand, 11, Newfoundland, 5.	January 16	Transmits copy of No. 52 ...	31
54*	The Governor-General.	South Africa, Telegram.	January 20 (Rec. Jan. 20.)	Submits a list of the subjects proposed for discussion; Ministers suggest that the Agenda should be prepared by the Imperial Government, and agree that details should be discussed by Sub-Committees of the Conference.	31

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
55*	To the Governors-General and Governors.	Canada, 33, Australia, 23, South Africa, 30, New Zealand, 17, Newfoundland, 8.	January 20	Conveys views of His Majesty's Government as to the subjects for discussion and the precedence to be assigned to them at the Conference, beginning on 22nd May.	32
56	Ditto ...	Australia, 37, Canada, 43, New Zealand, 20, Newfoundland, 11.	January 21	Transmits copy of No. 54 ...	32
57	The Governor ...	New Zealand, Telegram.	(Rec. Jan. 26)	Reports that his Ministers agree to proposals contained in No. 45.	32
58*	The Governor-General.	Canada, 23.	January 16 (Rec. Jan. 30.)	Transmits copy of a Minute stating that Ministers have no suggestions to make as to subjects for discussion but will be prepared to take part in the discussion of whatever subjects may be proposed.	33
59	To the Governor-General.	Canada, 71.	February 3	Points out that the subject of naturalisation is already on the Agenda.	33
60	To the Governors-General and Governors.	Australia, 52, South Africa, 54, New Zealand, 32, Newfoundland, 15.	February 3	Transmits copy of No. 58 ...	33
61*	To the Governor-General of Australia and the Governor of New Zealand.	Telegram	February 4	Summarizes No. 55 and communicates purport of Nos. 54 and 58.	33
62	General Post Office	—	February 7	States that it was not intended in No. 42 to suggest as subject for discussion the extension of the magazine post or the recognition of postal orders of Canada, Australia, and New Zealand, and asks that the Governments concerned be asked to erase these subjects from the Agenda.	34
63	To the Governors-General of Australia, Canada and South Africa and Governors of New Zealand and Newfoundland.	Telegram	February 9	Directs the excision from the list of subjects for discussion to be proposed by His Majesty's Government, (1) the extension of the magazine post and (2) the recognition in the United Kingdom of the postal orders of Canada, Australia, and New Zealand.	34
64	To General Post Office.	—	February 9	States, with reference to No. 62, that the Dominion Governments have been requested to make the necessary excision.	34
65*	The Governor-General.	South Africa, Telegram.	February 9 (Rec. Feb. 10.)	Reports that Ministers have decided to withdraw the Resolution relating to the replacing of trade preferences by a system of contributions to Imperial, naval, and local defence, and that the Prime Minister hopes to discuss the subject with His Majesty's Government during his stay in London.	35

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
66*	To the Governors-General of Canada and Australia and the Governors of New Zealand and Newfoundland.	Telegram	February 11	Communicates purport of first part of preceding telegram.	35
67*	The Governor-General.	South Africa, 44.	January 24 (Rec. Feb. 11.)	Transmits minute from Ministers relating to the subjects which they propose for discussion.	35
68	To the Governor-General.	South Africa, Telegram.	February 13.	States that the fourth resolution is being excised from the list of subjects which the Union Government will propose for discussion.	35
69	Ditto ...	South Africa, Telegram.	February 14	States that the withdrawal of Resolution 4 having got into the press, it will be necessary to publish the Governor-General's telegrams of January 20th and February 9th in full: presumes Ministers have no objection.	36
70	The Governor-General.	South Africa, Telegram, Confidential.	February 14 (Rec. Feb. 15.)	States that Ministers have no objection to the publication referred to in No. 69 if absolutely necessary, but would prefer a statement to the effect that subject matter of Resolution No. 4 was meant for discussion with Imperial Government in connexion with defence rather than for the Imperial Conference.	36
71	To the Governor-General.	South Africa, Telegram.	February 15	Thanks Ministers for prompt reply and requests that they may be informed that the Secretary of State considered it absolutely necessary to publish the full text of resolutions, together with the telegram of withdrawal.	36
72	To the Governors-General and Governors.	Canada, 128, Australia, 35, South Africa, 100, New Zealand, 68, Newfoundland, 33.	February 24	Transmits copies of a memorandum prepared in the Colonial Office dealing with the proposal of the New Zealand Government regarding the admission of the public press to the Imperial Conference.	36
73	To India Office ...	—	February 28	Transmits, for consideration, copy of question and answer in the House of Commons on the representation of India at the Conference.	38
74	The Governor-General.	South Africa, 113.	February 13 (Rec. Mar. 4.)	Forwards copy of Ministers' minute notifying the withdrawal of their resolution as to trade preferences and defence contributions.	38
75	India Office ...	—	March 21	States that Lord Morley proposes to attend the Conference himself, and to invite some other representative of India to attend, according to the nature of the subject under discussion.	39
76	To India Office ...	—	April 3	Points out that any representative of India other than a Minister who may accompany Lord Morley to the Conference can only attend as an expert adviser and cannot take part in the discussions.	39

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
77	House of Commons of Canada.	Canada	April 20	Hansard report of the debate on the subject of the Imperial Conference.	39
78	To Sir J. Ward and Dr. J. G. Findlay.	Confidential.	April 25	Transmits copies of memoranda and despatches dealing with questions included in the Conference Agenda.	62
79	Ditto ...	—	April 25	Transmits report of a debate in the House of Commons on the subject of the Imperial Conference.	63
80	To the Governors-General and Governors.	Canada, 233; Australia, 189; South Africa, 189; New Zealand, 151; Newfoundland, 93.	April 26	Ditto ...	63
81	The Imperial Conference Secretariat.	—	—	Report on the work of the Imperial Secretariat during 1910.	64

1.—(b).

Transmission of Acts of Parliament and Exchange of Acts among the Dominions.

			1910.		
82	To the Governors-General and Governors.	Canada, 250; Australia, 188; South Africa, 75; New South Wales, 51; Victoria, 34; Queensland, 42; Western Australia, 28; South Australia, 29; Tasmania, 27; New Zealand, 75; Newfoundland, 51.	April 8	Invites the co-operation of the Governments concerned in carrying out the arrangements for the regular and prompt transmission of copies of Acts of Parliament from the Dominions to this country and from one Dominion to another.	67
83	The Governor ...	Newfoundland, 62.	May 19 (Rec. June 2.)	Encloses copy of a letter from the Colonial Secretary, stating what it is proposed to do regarding the supply of Acts of the Newfoundland Legislature for use in the Colonial Office and Privy Council Libraries.	68
84	Ditto ...	Western Australia, 36.	June 6 (Rec. July 4.)	States that orders have been issued to comply with the instructions contained in No. 82.	68
85	Ditto ...	New South Wales, 71.	June 4 (Rec. July 11.)	States that the course indicated in No. 82 as to the supply of Acts to His Majesty's Government will be at once adopted, and that the question of entering into an arrangement with the sister Dominions for the interchange of Acts will receive consideration.	69
86	Ditto ...	Victoria, 44.	June 9 (Rec. 18 July.)	States that the requests contained in No. 82 are being or will be complied with, but that Ministers still consider that the proposal to supply copies to the Law Library of the Privy Council Office is a matter more properly appertaining to the Commonwealth Government.	69

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
87	The Governor ...	South Australia, 36.	July 6 (Rec. Aug. 8.)	States that instructions have been given for due compliance with the suggestion contained in No. 82, and that reciprocal arrangements already exist with every Colony, &c., in the Empire.	70
88	The Governor-General.	South Africa, 103.	July 30 (Rec. Aug. 20.)	Encloses copy of a minute from Ministers stating that every endeavour will be made to meet the wishes of the Secretary of State conveyed in No. 82.	70
89	The Governor ...	Tasmania, 54.	September 3 (Rec. Oct. 10.)	Encloses a communication from the Premier stating what it is proposed to do in the matter of the regular and prompt submission of copies of Acts of the Dominions.	71
90	The Governor-General.	Australia, 205.	September 6 (Rec. Oct. 15.)	Transmits copy of a despatch from the Prime Minister relative to the early supply of Acts of the Commonwealth Parliament for use in the Colonial Office and the Law Library of the Privy Council Office.	72
			1911.		
91	Ditto ...	South Africa, 182.	March 8 (Rec. Mar. 25.)	States that Ministers will comply with the wishes expressed in No. 82 in respect of the supply of copies of Acts of Parliament and of Provincial Ordinances.	72

2.

(Resolution III.)—Imperial General Staff.

			1910.		
92	War Office ...	Australia	January 31	Submits remarks on the Regulations and Orders issued by the Commonwealth Government, and requests that they may, if concurred in by the Earl of Crewe, be forwarded for the information of that Government.	73
93	To the Governor-General.	Australia, 46.	February 4	Conveys the purport of No. 92 ...	74
94	Ditto ...	Australia, 88.	March 4	Requests that Ministers may be informed that the Army Council attach importance to the designation "Chief of the Imperial General Staff" being used only for the Head of the Central Section in London, and states that instructions have been given by the Army Council as to addressing communications from and to the General Staff.	75
95	To the Governors-General and Governors.	Canada, Australia, South Africa, New Zealand, Newfoundland, Confidential.	October 27	Transmits copies of a memorandum prepared by the Colonial Defence Committee on the regulations under which commissions in the Army and Navy may be obtained by candidates from the Dominions and Colonies, and asks for observations of Ministers.	76
96	The Governor ...	Newfoundland, Confidential.	November 17 (Rec. Nov. 28.)	Forwards minute from Prime Minister calling attention to the entire absence of recognition of Newfoundland in the memorandum of the Colonial Defence Committee; endorses this complaint and calls attention to the defence organizations existing.	76

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1910.					
97	The Governor-General.	Canada, Confidential.	December 1 (Rec. Dec. 10.)	Forwards letter from Militia Department stating that Ministers have no observations to offer on the memorandum of the Colonial Defence Committee.	77
98	To the Governor ...	Newfoundland, Confidential.	December 16	Explains why no specific mention was made of Newfoundland in the Colonial Defence Committee's memorandum.	78
99	The Governor-General.	South Africa, Confidential, 5.	December 14 (Rec. Dec. 31.)	Forwards Minute from Ministers stating their views on the memorandum of the Colonial Defence Committee.	79
1911.					
100	The Governor ...	New Zealand, 144.	November 23, 1910 (Rec. Jan. 2, 1911.)	Forwards memorandum from Prime Minister suggesting an increase in the number of commissions awarded annually to candidates from New Zealand, and recommends matter for favourable consideration.	80
101	To War Office ...	—	January 31	Forwards copies of Nos. 99 and 100 ...	80
102	War Office ...	—	February 25	States that the numbers of candidates coming from the Dominions and Crown Colonies are not so numerous as to demand a revision of existing regulations, but that if the numbers in any half-year exceed 16, commissions will be awarded to them if they are fully qualified.	81
103	To the Governor ...	New Zealand, 76.	March 3	States substance of No. 102 ...	81

3.

(Resolution IV.) Emigration.

1910.					
104	War Office ...	—	July 14	Explains the views of the Army Council on the subject of the emigration of ex-soldiers, and asks that they may be furnished with those of the Governments concerned on the proposals.	82
105	To the Governors-General and Governor.	Canada, 567, Australia, 286, New Zealand, 166.	July 30	Transmits copies of No. 104, and of a question and answer in the House of Commons.	83
106	The Governor-General.	South Africa, 193.	September 29 (Rec. Oct. 22.)	Encloses copy of a minute from Ministers stating that there are no permanent forces in which they could guarantee employment for ex-soldiers.	84

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
107	The Governor-General.	Canada, 478.	November 2 (Rec. Nov. 12.)	Forwards copy of a letter from the Department of Militia and Defence giving the amended conditions under which the Canadian Government would be willing to enlist a limited number of ex-soldiers.	84
108	Board of Trade (Labour Exchanges).	—	December 17	Forwards proof form for use in cases in which it is proposed to obtain, through the Agency of Government Labour Exchanges in this country, employees for service outside the United Kingdom; asks for observations and suggests an informal Conference.	85
1911.					
109	To Board of Trade..	—	January 9	Points out that the use of the form enclosed in No. 108 would be open to much criticism in the case of the self-governing Dominions and that the subject of emigration will be discussed at the next Imperial Conference; asks that a memorandum may be prepared for submission to the Dominions, explaining exactly in what manner the Board would propose to proceed in the case of applications for labour from the Dominions.	87
110	To the Emigrants' Information Office.	—	January 11	Transmits, for observations, the resolution proposed to be submitted to the Conference by the Australian Government on emigration.	88
111	Board of Trade ...	—	February 15	Encloses copy of a memorandum indicating a form of procedure for bringing the Labour Exchange organisation of the United Kingdom into co-operation with the Governments of the overseas Dominions; concurs in the suggestion that it should be submitted to the Dominion Governments for their consideration prior to the Conference.	88
112	To the Governors-General and Governors.	Canada, 125, Australia, 90, South Africa, 98, New Zealand, 64, Newfoundland, 31.	February 23	Transmits copy of the enclosure in No. 111.	91
113	Emigrants' Information Office.	—	February 24	Submits observations in reply to No. 110.	91
114	To the Governors-General of Canada, Australia, and South Africa, and the Governors of New Zealand and Newfoundland.	Telegram	February 28	Gives the text of the resolution which the Board of Trade propose to submit respecting Labour Exchanges.	93

4.

(Resolution V.)—Judicial Appeals.

1910.					
115	To the Governor ...	New Zealand, 19 (Extract.)	January 22	Transmits copy of an Order in Council respecting appeals to His Majesty in Council from the Dominion of New Zealand.	94

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
116*	The Governor-General.	Australia, 59.	February 22 (Rec. Mar. 28.)	Transmits copy of a despatch from the Prime Minister on the subject of the new rules regulating Appeals to the King in Council from the High Courts of the Dominions.	94
117*	To the Privy Council Office.	—	April 13	Points out that the Commonwealth Government have not altogether understood the nature of the proposed new Rules, and asks for the Lord President's observations on the matter.	94
118*	Privy Council Office	—	April 14	Recalls the fact that the proposed new Rules had their origin in a resolution of the Colonial Conference of 1907, and were in no sense intended to disturb or alter the existing law or practice; and states that if the Commonwealth Government do not desire to adopt any part of the Rules the Privy Council Office does not desire to carry the matter further.	94
119*	To the Governor-General.	Australia, 159.	April 25	Transmits copy of No. 118, and adds that His Majesty's Government had and have no desire to press for the adoption of the proposed new Rules if it is considered unnecessary or undesirable.	95
120	The Acting Governor-General.	Canada, 286.	June 29 (Rec. July 9.)	Transmits copy of a despatch from Lieutenant-Governor of Quebec stating that the Attorney-General reports that the proposed Rules are not suited to the requirements of the Province.	95
121	To Privy Council Office.	Canada	July 20	Transmits copy of No. 120, and presumes that the question of the adoption of the new Rules will not be pressed upon the Government of Quebec.	96
122	Privy Council Office	Canada	July 21	Agrees that the question of the adoption of the new Rules should not be pressed upon the Government of Quebec.	96
123	The Governor ...	Tasmania, 32.	July 14 (Rec. Aug. 22.)	Transmits a minute from the Premier stating that Ministers desire similar regulations to those prepared for Queensland in 1909.	96
124	To the Governor ...	Tasmania, 71.	September 9	Inform him that steps will be taken to prepare Rules similar to those of Queensland and asks whether his Government desire to accept the limit of £500 as the amount in respect of which appeal shall lie as of right, as in other Australian States.	97
125	The Governor-General.	Australia, 221.	September 23 (Rec. Oct. 29.)	States that the High Court of Australia agree in thinking that the proposed Rules 7 to 14 and 23 to 27 may be made applicable to appeals by special leave from the High Court to His Majesty; and that Ministers see no reason why an Order in Council should not be issued accordingly.	97

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
126	To the Governors-General and Governors.	Australia, 424, New South Wales, 172, Victoria, 116, Queensland, 127, South Australia, 90, Western Australia, 120, Tasmania, 90, New Zealand, 258, South Africa, 203, Newfoundland, 195.	November 4	Transmits copies of Orders making provision for the adoption of the new Rules of Appeal in the case of the Provinces of Prince Edward Island and Saskatchewan in the Dominion of Canada and of the Supreme Court of Newfoundland.	98
127	To the Governor-General.	Canada, 821.	November 4	Transmits copy of an Order in Council making provision for the adoption of new Rules governing appeals to the King in Council from the Supreme Court of Newfoundland.	98
128	Ditto ...	Australia, 447.	November 23	Acknowledges the receipt of No. 125; states that steps are being taken to issue an Order in Council in accordance with the wishes of Ministers; explains the object of the additions and alterations that are being made, and encloses copy of the draft Order in Council.	98
129	To the Governors-General.	Canada, 857, South Africa, 303.	November 23	Transmits copy of a draft Order in Council applying certain Rules of Procedure to appeals by special leave from the High Court of the Commonwealth of Australia, and asks whether Ministers would desire that an Order in Council in similar terms should be issued for [Canada] [South Africa].	101
130	To Privy Council Office.	—	November 25	States that the New Zealand Government suggest as a subject for discussion at the Conference "the representation on the Judicial Committee of the Privy Council of judges of the overseas Dominions to hear appeals from those Dominions," but that no precise resolution has yet been received; requests observations on the proposal.	101
131	Privy Council Office	—	November 30	States that it is difficult to deal with proposals the exact nature of which has not been disclosed; refers to Memorandum of March, 1907, and to Lord Chancellor's observations at 1907 Conference; encloses table showing extent to which Dominions have taken advantage of the Judicial Committee Amendment Act, 1895.	102
132	To the Governors-General and Governors.	Australia, 461, New South Wales, 182, Victoria, 119, Queensland, 132, South Australia, 95, Western Australia, 125, New Zealand, 279, South Africa, 319, Newfoundland, 209.	November 30	Transmits copies of two Orders in Council respecting appeals from the Supreme Courts of Tasmania and New Brunswick.	102

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
133	To the Governor-General.	Canada, 873.	November 30	Transmits copies of two Orders in Council respecting appeals from the Supreme Courts of Tasmania and New Brunswick.	103
134	Colonial Office ...	—	December 30	Memorandum on the Resolutions of New Zealand and the Commonwealth of Australia to be proposed at the Conference with regard to appeals from the Dominions.	103
1911.					
135	To the Governors-General and Governors.	Australia, 66, New South Wales, 18, Queensland, 12, South Australia, 17, Western Australia, 11, Tasmania, 6, New Zealand, 17, South Africa, 68, Newfoundland, 20, Canada, 86, Victoria, 10.	February 10	Transmits copies of Orders in Council respecting appeals to His Majesty in Council from the High Court of the Commonwealth of Australia and from the Supreme Courts of British Columbia, Manitoba, and Victoria.	107
136	To Privy Council Office.	—	March 8	Encloses copy of the Resolution to be moved by the Commonwealth of Australia, with copy of No. 134 and the draft of a memorandum which it is proposed to send to the Dominions.	107
137	To the Governors-General and Governors.	Canada, 182, Australia, 131, South Africa, 139, New Zealand, 106, Newfoundland, 65.	March 17	Forwards memorandum on the subject of the resolutions to be moved by the New Zealand and Australian Governments.	108
138	Ditto ...	Australia, 150, New South Wales, 40, Queensland, 28, South Australia, 31, Victoria, 26, Western Australia, 27, Tasmania, 16, New Zealand, 123, Newfoundland, 78.	March 31	Transmits copy of an Order in Council with regard to appeals from the appellate Division of the Supreme Court of South Africa to His Majesty in Council.	110

5.

(Resolution VIII.) Commercial Relations and British Shipping.

1911.					
139	To Board of Trade	—	January 6	Forwards text of the Resolution to be proposed by the Australian Government at the Imperial Conference with regard to commercial relations and British shipping; suggests that it will be sufficient to await a further expression of the views of the Commonwealth Government at the Conference.	111

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
140	To Board of Trade...	—	January 31	Transmits Resolutions relating to certain questions of defence and trade preference which the Government of South Africa will propose for discussion at the Imperial Conference; suggests that memoranda on the subjects mentioned should be prepared.	111
141	Ditto ...	—	February 7	Transmits the text of a Resolution with regard to the promotion of trade, which is to be moved by the South African Government; considers it unnecessary that any special memorandum should be prepared.	112
142	To Foreign Office ...	—	February 10	Transmits copy of No. 141 ...	112
143	To Board of Trade	—	February 10	Transmits telegram from the Governor-General of South Africa withdrawing the resolution as to defence submitted by his Government, but considers that it would still be convenient if a memorandum on the subject of preference could be prepared.	113
144	To the Governors-General and Governors.	Canada, 173, Australia, 124, South Africa, 127, New Zealand, 100, Newfoundland, 66.	March 15	Forwards proof of tables prepared by the Board of Trade giving particulars of British trade with the self-governing Dominions and foreign countries.	113
145	To Board of Trade ..	—	March 15	States that copies of the proof tables of trade statistics have been forwarded to the Dominions and asks that the memoranda printed for the 1907 Conference as to the effect of preferences granted by the self-governing Dominions may be brought up to date.	113
146	Board of Trade ...	—	April 25	Forwards statistics relating to inter-imperial trade and navigation.	114

Suez Canal Dues.

1910.					
147	Foreign Office ...	—	January 26	Suggests that a reply should be sent to the Governor of New Zealand to the effect that the question of the reduction of dues has engaged the careful consideration of His Majesty's Government, and enquires whether the Secretary of State has any criticisms to offer upon the statement of the Suez Canal Company as to the reasons of the preference of certain vessels for the Cape route.	115
148	To Foreign Office ...	—	March 8	Submits further observations on the subject of the dues and their effect on British shipping, and suggests that His Majesty's Government should make an effort to secure a reduction.	115
149	Foreign Office ...	—	April 29	Forwards letter from the British Directors of the Suez Canal Company, replying to Colonial Office observations on the reduction of dues: and states that whole subject is under Sir E. Grey's consideration.	116

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
150	To the Governors-General and Governors.	Canada, 687, Australia, 345, South Africa, 193, New Zealand, 219, Newfoundland, 162.	September 10	Informa them of a reduction in the transit dues from 7.75 francs to 7.25 francs per ton, to take effect from January 1, 1911.	118
151	The Governor-General.	Australia, 198.	August 25 (Rec. Oct. 1.)	Transmits copy of a further despatch from the Prime Minister of the Commonwealth urging renewed representations for a reduction of dues.	118
152	To Foreign Office...	—	October 6	Transmits copy of No. 151 and states proposed reply.	119
153	Foreign Office ...	—	October 19	Concurs in the reply proposed to No. 151.	120
154	To the Governor-General.	Australia, 403.	October 21	Acknowledges the receipt of No. 151 and requests that Ministers may be referred to No. 150 and informed that, while further reduction at present in the Suez Canal dues is improbable, their views will be brought to the notice of the official Directors of the Company.	120
155	The Governor-General.	Australia, 258.	November 5 (Rec. Dec. 10.)	Expresses, in reply to No. 150, Ministers' appreciation of the result of the representations to the Council of the Suez Canal Company in the matter of a reduction in the transit dues, and their hope that the question of further reductions will receive early consideration.	120

Shipping Conferences or Combines.

1911.					
156	To Board of Trade	—	January 31	Transmits copy of the Resolution to be proposed by the Union of South Africa regarding the discouragement of shipping conferences or combines, and asks for a memorandum showing the views of the Board of Trade.	121
157	Board of Trade ...	—	February 24	Transmits Memorandum on Shipping Rings: states that the Board are not in a position to express any definite views as to action to be taken against the operation of Shipping Conferences; suggests that representatives of the Colonial Office, Board of Trade, and General Post Office should discuss the question before the Imperial Conference meets.	121

1911.					
158	To the Governors-General and Governors.	Canada, 163, Australia 108, South Africa, 113, New Zealand, 81, Newfoundland, 44.	March 6	Forwards copies of the Board of Trade Memorandum.	124
159	General Post Office	—	March 13	Concurs in proposed inter-departmental Conference, and states that Sir M. Nathan and Mr. Farnall will represent the Post Office; asks to be informed of date of meeting and scope of enquiry.	124
160	To General Post Office.	—	March 15	States that the scope of the inquiry is indicated by the South Africa Resolution on the subject printed in [Cd. 5513], and adds that the discussion is desired to determine the attitude of His Majesty's Government.	125
161	To Board of Trade	—	March 15	Transmits copies of Nos. 159 and 160: states Colonial Office representatives and asks when Conference should take place.	125

6.

(Resolution XI.)—(a) Withdrawal of the Dominions from certain Treaties.

1910.					
162	Foreign Office ...	Australia	February 18	Transmits copy of a despatch from His Majesty's Ambassador at Rome, enclosing copy of a communication from the Italian Government declining to recognize the right of the Commonwealth Government to withdraw from the Treaty of 15th June, 1883.	126
163	The Acting Governor.	Cape of Good Hope, 18.	February 8 (Rec. Feb. 26.)	Transmits copy of a minute from Ministers stating that the information contained in Secretary of State's despatch of 31st December as to the possibility of obtaining for the self-governing Dominions the right of withdrawal from certain treaties has been carefully noted.	127
164	Foreign Office ...	Australia	March 4	Transmits copy of a despatch from His Majesty's Ambassador at Vienna reporting the desire of the Austro-Hungarian Government for further information before expressing an opinion on the right of Australia to withdraw from Treaty of Navigation of 1868.	128
165	To Foreign Office...	Australia	March 9	States that Lord Crewe considers that no useful purpose would be served by further discussion of the question whether the Commonwealth Government are entitled to withdraw, and encloses draft of a despatch to the Governor-General.	128
166	To Board of Trade	Australia	March 9	Transmits copy of No. 165, and draft of a despatch to the Governor-General.	129

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
167	The Governor-General.	Australia, 48.	February 4 (Rec. Mar. 14).	States that all the State Governments have intimated that they have no objection to the action of the Commonwealth Government in taking the necessary steps to terminate their adherence to Treaties entered into by them prior to Federation.	129
168	Foreign Office ...	Australia	March 23	Concurs in draft enclosed in No. 165, but suggests that Lord Crewe should write an explanatory private letter; encloses copy of a letter from the Board of Trade expressing the opinion that the circumstances do not warrant the denunciation of the Treaty and that the matter cannot be carried further for the present.	130
169	To the Governor-General.	Australia, 123.	April 1	Transmits copy of the enclosure in No. 162, and states that His Majesty's Government regret the action of the Italian Government, but fear that no useful purpose would be served by a discussion of the provisions of the Treaty.	131
170	To Foreign Office ...	Australia	April 7	Acknowledges the receipt of No. 168, transmits copy of No. 169, and states that Lord Crewe feels that it should be left to the Commonwealth Government to decide whether it will propose the question for consideration at the next Imperial Conference.	131
171	To the Governor-General.	Australia, 154.	April 22	Transmits copy of the enclosure in No. 164, and enquires what reply the Commonwealth Ministers would desire to have returned to the enquiries of the Austro-Hungarian Government.	131
172	Foreign Office ...	—	August 4	Transmits copy of a letter from the Board of Trade proposing to renew the negotiations with Colombia on the basis that the Dominions should have the right to withdraw from the Treaty of 1866 and that Colombia should be allowed to accord special customs privileges to adjoining States, and enquires whether the Colonial Office concurs.	132
173	To Foreign Office ...	—	November 2	States that there is no objection to the concession to the Colombian Government of the right to grant customs privileges to adjoining States, but suggests that a final decision should not be come to on the question of the renewal of the negotiations for a Treaty until it has been decided whether British subjects in a Dominion are entitled to the benefits of a Treaty notwithstanding that that Dominion has withdrawn from the Treaty.	133
1911.					
174	Ditto ...	—	February 10	Encloses a memorandum setting forth the views of the Colonial Office on the question of the status of British Colonial subjects under certain commercial treaties, and requests its inclusion in the reference to the Law Officers; suggests alterations in the draft reference.	134

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
175	Foreign Office ...	—	March 4	Forwards copy of the reference to the Law Officers respecting rights under a commercial treaty of British subjects living in a Dominion which does not adhere to the treaty.	141
176	Ditto ...	—	April 12	Transmits copy of despatch from His Majesty's Chargé d'Affaires in Mexico reporting that the Mexican Government agree to withdrawal of Australia from the Anglo-Mexican Commercial Treaty of 1888; suggests that the despatch should not be communicated to Australia until Law Officers' report has been considered.	144

6. (b.)

Conclusion of Commercial Agreements by the Dominions.

1910.					
177	To the Governor-General.	Canada, 222.	March 30	Congratulates Ministers on the conclusion of the Commercial Agreement recently negotiated with Germany, and states that the Secretary of State sees with pleasure that the Agreement is based on the admission that tariff arrangements within the Empire are matters of purely domestic concern.	145
178	The Earl of Crewe to Earl Grey.	Canada	March 30	States that Sir E. Grey has suggested that, if any Convention between Canada and Germany as to commercial relations of a more permanent nature than the agreement now concluded should be later negotiated, it should assume the form of a contract between the King and the head of the State in question, and should be signed by duly appointed plenipotentiaries.	145
179	Ditto ...	Canada	April 30	Suggests that in any future negotiations for the conclusion of commercial agreements between Canada and foreign countries the arrangements should be concluded by formal treaty.	145
180	To Foreign Office ...	Strictly Confidential.	May 5	Transmits copies of Nos. 178 and 179 ...	147
181	Earl Grey to the Earl of Crewe.	Canada	April 28	Encloses copy of Mr. Fielding's reply to No. 178 expressing his concurrence in Lord Crewe's views on the procedure in regard to the negotiation of commercial treaties.	147
182	The Governor-General.	Canada, Telegram.	(Rec. May 10.)	States that representations have been received from the Belgian and Italian Consuls respecting commercial relations with their countries; hopes that His Majesty's Government will not object to the making of temporary arrangements by these Consuls pending the making of permanent treaties through the proper channel.	148

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
183	To Foreign Office...	Canada, Confidential.	May 16	Transmits copy of No. 182; proposes to telegraph concurrence in the proposals of the Canadian Government provided Ministers accept the views set out in Nos. 178 and 179.	148
184	To the Governor-General.	Canada, Telegram.	May 19	States that there is no objection to the proposal in No. 182, provided that his Ministers accept and appreciate the views set out in Nos. 178 and 179.	148
185	The Governor-General.	Canada, Telegram.	May 25 (Rec. May 26.)	States the proposals for tariff arrangements with Italy, Belgium and the Netherlands; proposes to proceed by Order in Council and to postpone the question of making a treaty for the present.	149
186	To Foreign Office and Board of Trade.	Canada	May 28	Transmits copies of Nos. 184 and 185 and proposes to concur in the proposals of the Canadian Government in No. 185.	149
187	To the Governor-General.	Canada, Telegram.	May 31	States that His Majesty's Government have no objection to the course proposed in No. 185 in regard to the commercial negotiations with Italy, &c.	150
188	Earl Grey to the Earl of Crewe.	Canada (Extract.)	May 16 (Rec. June 7.)	States that Mr. Fielding concurs in Lord Crewe's views regarding the rules which should govern negotiations between Canadian Ministers and the representatives of Foreign States; refers to the negotiations with the United States and the relations with Belgium and Italy.	150
189	The Governor-General.	Canada, Confidential.	May 25 (Rec. June 7.)	Encloses copy of an Order in Council recommending a commercial agreement proposed to be entered into between Canada and Italy; explains his action in withholding his approval; confirms No. 185 and asks for early approval of the proposals embodied in the Order in Council.	151
1911.					
190*	Ditto ...	Canada Telegram.	(Rec. Jan. 27)	States that the Minister of Finance has made an announcement in the House of Commons respecting the reciprocity arrangements with the United States, which will come into effect by concurrent legislation at Ottawa and Washington; forwards the schedules of the articles which are made reciprocally free to both countries, or on which special rates of duty are to be levied.	153
191*	The High Commissioner for Canada.	Canada	February 7	Transmits copy of a telegram from Mr. Fielding, the Minister of Finance at Ottawa, explaining the policy of the Dominion Government.	153
192	Colonial Office ...	—	March	Statement of the position of His Majesty's Government in the matter of the negotiation of commercial treaties by or for the Dominions.	153

(Resolution XIII.)—Trade Marks and Patents.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
193*	The Governor ...	New Zealand, 104.	November 27, 1909 (Rec. Jan. 8, 1910.)	Encloses copy of a Memorandum by his Prime Minister stating that a Bill to amend the Patents, Designs and Trade Marks Act is in course of preparation, and that he does not consider it necessary to summon a conference.	157
194*	To Board of Trade	New Zealand.	January 20	Transmits copy of No. 193 ...	157
195*	The Governor-General.	Canada, 91.	March 1 (Rec. Mar. 14.)	Transmits copy of an approved minute of the Privy Council, stating that Ministers do not see what advantage would be derived from a conference.	157
196	To Board of Trade	Canada	April 5	Transmits copy of No. 195 ...	157
197*	To the Governors-General and Governors.	Canada, 272. Australia, 143. New Zealand, 79. Newfoundland, 54. Cape of Good Hope, 74. Natal, 89. Orange River Colony, 45. Transvaal, 77.	April 14	Transmits copies of replies received to the Secretary of State's despatch of March 5, 1909, [and of an Act to amend the Patents Act of 1903 of the Commonwealth of Australia].	157
198	The Governor-General.	Australia, 178.	August 4 (Rec. Sept. 12.)	Indicates the extent to which the proposals in the Secretary of State's despatch of March 5, 1909, have been adopted in the Commonwealth Patents Act of 1909, and states that it is considered that there is no advantage in summoning a conference.	158
199	To Board of Trade...	—	September 17	Transmits copy of No. 198, and states that in view of the attitude of the Colonial Governments Lord Crewe proposes to abandon the suggestion for a conference.	158
200	Board of Trade ...	—	October 25	Concurs in the view that the suggested conference should be abandoned.	158
201	To the Governors-General and Governors.	Canada, 801. South Africa, 257. New Zealand, 253. Newfoundland, 192.	October 28	Transmits copy of No. 198, and states that it is not proposed to proceed any further as regards the suggested conference.	159
202	To the Governor-General.	Australia, 419.	October 28	Acknowledges the receipt of No. 198, and asks that his Ministers may be informed that it is not proposed to proceed any further as regards the suggested conference.	159

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
203	To Board of Trade	—	December 6	Embodies the Resolution of the New Zealand Government regarding uniformity in Patent and Trade Marks Law; presumes that in view of No. 201 the resolution will not be pressed, but asks for the Board's observations.	159
204	Board of Trade ...	—	December 16	States, in reply to No. 203, that as the subject has been recently before the Dominion Governments, and as certain of them considered a special conference unnecessary, the Board do not see much practical advantage in discussion at the Conference, but asks to see any further communication from New Zealand.	160
1911.					
205	To the Governors-General and Governor.	Canada, 17, South Africa, 10, Newfoundland, 4.	January 12	States that the question of uniformity in the trade mark and patent laws of the Empire has been noted for the agenda of the Conference, but that the Secretary of State doubts the utility of a further discussion at the present time.	160
206	To the Governor-General.	Australia, 14.	January 12	States that the question of trade marks and patents proposed by his Government for submission to the Conference has been noted on the agenda, but considers that the considerations as to the proposed subsidiary Conference apply equally to discussion at the Imperial Conference, and doubts whether such discussion would be of any adequate value.	161
207	To the Governor ...	New Zealand, 7.	January 12	Ditto ditto ...	161
208	To the Governor-General.	Canada, 306.	April 29	Transmits copies of a memorandum on the protection of patents and trade marks in the United Kingdom and the self-governing Dominions.	161

8.

(Resolution XV.)—Uniformity in Company Law.

1910.					
209	To Board of Trade	—	November 29	States that the Government of New Zealand desire to discuss at the Conference the question of uniformity in company law; explains the position as regards Australia and Canada and asks for the views of the Board of Trade.	162
210	Ditto ...	—	December 1	Transmits text of the Resolution relating to uniformity in the company law of the Empire to be moved by New Zealand.	162

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
211	Board of Trade ...	—	December 8	States that a memorandum will be prepared, and suggests the preparation of a memorandum in New Zealand embodying the views of the New Zealand Government.	163
212	To the Governor ...	New Zealand, Telegram.	December 13	Requests to be furnished with a memorandum embodying the views of the Dominion Government, not later than the beginning of March next.	163
213	To Board of Trade	—	December 15	Transmits copy of No. 212, asks for the Board of Trade memorandum by the beginning of March.	163
1911.					
214	Ditto ...	—	January 4	Transmits text of the resolution to be moved by Australia relating to uniformity in the company law of the Empire; assumes that the Commonwealth view of the question will be borne in mind in preparing the memorandum for the Conference.	164
215	The Governor ...	New Zealand, Telegram.	(Rec. Mar. 11.)	Embodies the text of a resolution which the Prime Minister proposes to submit to the Conference on the subject of uniformity of company law throughout the Empire.	164
216	To the Governors-General of Canada, Australia, and South Africa, and Governor of Newfoundland.	Telegram	March 14	Communicates No. 215 ...	164
217	To Board of Trade	—	March 17	Forwards copy of No. 215; asks for the memorandum referred to in No. 211.	165
218	To Sir J. Ward and Dr. J. G. Findlay.	—	April 27	Transmits copy of a Comparative Analysis of Company Laws in the British Empire and a Memorandum for use at the Imperial Conference, with a copy of a similar document prepared for the 1907 Conference.	165
219	To the Governors-General and Governors.	Canada, 293, Australia, 192, South Africa, 192, New Zealand, 167, Newfoundland, 98.	April 28	Ditto ditto ...	165

9.

(Resolution XVI.)—Reciprocity in the Admission of Surveyors to Practise.

1910.					
220*	The Governor ...	New South Wales, Telegram.	(Rec. Feb. 21.)	States that the Australian States and New Zealand have decided to be represented jointly at the conference of Surveyors-General by two delegates: asks date of opening of conference.	166

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1910.		
221	To the Governor ...	New South Wales, Telegram.	March 7	States that date of conference remains to be fixed by consent, and that replies from other Dominion Governments are being awaited.	166
222*	Surveyors' Institution.	—	March 18	States that the Council of the Institution recognises that the settlement of the question is not so easy as had at first seemed possible; hopes that the subject may be accorded a prominent place on the agenda of the next Colonial Conference.	166
223*	The Governor ...	Transvaal, Telegram, 2.	April 11 (Rec. Apr. 11.)	States that it has been decided to recommend that the Surveyor-General of the Transvaal should represent South Africa at the suggested conference, and that the several Governments have been asked whether they approve the recommendation.	166
224*	The Deputy Governor.	Transvaal, Telegram, 1.	April 22 (Rec. Apr. 22.)	States that the representation proposed in No. 223 has been approved by the Governments concerned, but Transvaal Ministers prefer that the final decision should be left to the Union Government; asks if Surveyors' Institution can leave the matter in abeyance.	167
225*	To the Surveyors' Institution.	—	May 5	Transmits copies of correspondence; states that no further communication has been received from Canada, and that the Governments of the Transvaal and New South Wales will be informed that the matter must stand over for consideration by the Union Government; suggests that the subsidiary conference should be held some time in the autumn.	167
226*	The Surveyors' Institution.	—	May 10	Suggests that the conference should be held during the week beginning on the 24th October next.	167
227*	To the Governors-General and Governors.	Canada, 360, Australia, 194, South Africa, 4, New Zealand, 110, Newfoundland, 79, New South Wales, 68.	May 27 June 2	States that the Governments specified have agreed in principle to the holding of a conference of Surveyors-General, and that the Surveyors' Institution have suggested that the conference should be held during the week beginning on 24th October next; trusts this date will be convenient and that representatives will be sent.	167
228	The Governor ...	New South Wales, Telegram.	(Rec. June 10)	States that the joint representation of New Zealand and Australia at the proposed Conference this year cannot be arranged, but if the conference be held in May or June, 1911, two delegates representing Australian States will attend.	167
229	The Governor ...	Newfoundland, 94.	July 12 (Rec. July 21.)	States that his Ministers do not desire to be represented at the conference.	168

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
230	The Governor ...	New Zealand, Telegram.	(Rec. July 29)	Reports that his Government have agreed to combine with various States of the Commonwealth in sending two delegates to attend the conference and that it was not considered necessary to send the Surveyor-General of New Zealand to the conference.	168
231	The Governor-General.	South Africa, Telegram, 2.	July 30 (Rec. July 30.)	States that his Ministers regret that circumstances have rendered impracticable the representation of the Union at the conference.	168
232	Ditto ...	Canada, 324.	July 27 (Rec. Aug. 6.)	Transmits copy of an approved Minute nominating Mr. E. G. D. Deville, Surveyor-General of Canada, to represent the Dominion at the Conference, and stating that none of the Provincial Governments propose to send representatives.	168
233	Ditto ...	Australia, Telegram.	(Rec. Aug. 18)	States that the Commonwealth Government ask for postponement of the conference until next year; and suggest that the date should be fixed so as to permit of the report of the conference being completed in time to submit to the Imperial Conference.	169
234	To the Governors...	New Zealand, 206, New South Wales, 135.	September 9	States that arrangements are being made for the postponement of the conference until next year and trusts that the date will be convenient to his Government.	169
235	To the Governor-General.	Canada, 682.	September 9	States that the Council of the Surveyors' Institution have agreed to the postponement of the proposed conference until May, 1911; trusts that his Ministers will acquiesce in the proposed alteration of date.	170
236	To the Governor ...	Newfoundland, 160.	September 9	States that it is proposed to postpone the conference until May next, and suggests that his Ministers should consider whether they should then be represented.	170
237	To the Governor-General.	South Africa, 186.	September 9	Acknowledges the receipt of No. 231, states that the conference has been postponed until May, 1911, and trusts that the proposed alteration in date will enable the Union Ministers to reconsider their decision in the matter.	171
238	The Governor ...	Newfoundland, 127.	October 20 (Rec. Oct. 31.)	States that his Government do not desire to be represented at the conference in May next.	171
239	Ditto ...	New South Wales, Telegram.	(Rec. Nov. 11)	States that the Under-Secretary of Lands for New South Wales and the Surveyor-General of Queensland have been appointed to represent jointly New Zealand and the Australian States (except South Australia).	171

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
240	To the Surveyors' Institution.	—	November 15	Transmits copy of No. 239 and asks when first meeting of conference should be held.	172
241	The Governor-General.	Canada, Telegram.	(Rec. Dec. 5)	States that the Surveyor-General will represent the Government of Canada.	172
242	Ditto ...	South Africa, Telegram.	December 24 (Rec. Dec. 24).	States that the Union Government will not be represented at the Conference of Surveyors-General for reasons stated.	172
1911.					
243	To the Surveyors' Institution.	—	January 2	States purport of replies received from Dominions regarding representation at the conference, and asks for proposals as to Agenda.	172
244	The Governor-General.	South Africa, 417.	December 27, 1910. (Rec. Jan. 14, 1911).	Forwards minute from Ministers adhering to their decision not to be represented at the conference, but asking to be furnished with reports of conference with view to co-operating as far as possible.	173
245	To the Governors-General and Governors.	Australia, 72, New South Wales, 16, Canada, 88, New Zealand, 50.	February 10	States that the conference of Surveyors-General will be held in London on May 30th next; explains that South Africa and Newfoundland will not be represented and states representatives of the Dominions participating.	174
246	To the Surveyors' Institution.	—	February 10	States that the Surveyor-General of Tasmania has been appointed one of the joint representatives of the Australian States (except South Australia) and New Zealand at the conference in the place of Mr. R. McDonald.	174
247	To the Governor-General and Governor.	South Africa, 70, Newfoundland, 21.	February 10	Transmits copy of No. 245 ...	174
248	To the Official Secretary to the Commonwealth of Australia.	—	February 13	Forwards copy of No. 245 ...	175
249	To the Surveyors' Institution.	—	March 7	States that neither the Secretary of State nor the Under-Secretary will be able to attend the conference and suggests that the chairman should be a member of the profession; agrees to the representation of the Institute of Civil Engineers and the Director of the Ordnance Survey and that the Agenda should be proposed officially by the Secretary of State; forwards draft of a despatch to the Dominions.	175

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
250	To the Governors-General and Governor.	Canada, 168, Australia, 119, New South Wales, 29, New Zealand, 96.	March 10	Presumes that in deciding to take part in the Conference his Government are prepared to consider favourably the question of reciprocity and suggests, as a basis for discussion, a standard of qualification, which might be acceptable to the different parties, with suggestions as to the working of the arrangement, if adopted.	176
251	To the Official Secretary to the Commonwealth of Australia.	—	March 14	Transmits copy of No. 250 ...	177
252	To the Governor-General and Governor.	South Africa, 128, Newfoundland, 57.	March 15	Ditto ...	177
253	The Governor-General.	Canada, 213.	April 11 (Rec. April 24.)	Encloses Minute from Ministers and states that, if an undertaking beforehand to consider favourably the question of reciprocity is to be a condition of the Conference, they will have no alternative but to withdraw.	178

10.

(Resolution XVII.) Universal Penny Postage.

1910.					
254	To the General Post-Office.	—	November 19	States that the New Zealand Government have suggested for discussion at the Conference the question of Universal Penny Postage, and asks for a memorandum expressing the views of His Majesty's Government.	179
255	Ditto ...	—	December 6	Forwards text of the New Zealand Resolution as to universal penny postage.	179
1911.					
256	To the Governors-General and Governors.	Canada, 126, Australia, 92, South Africa, 99, New Zealand, 66, Newfoundland, 32.	February 24	Transmits copies of a memorandum prepared by the General Post Office on the New Zealand Resolution as to Universal Penny Postage.	179
257	Ditto ...	Canada, 242, Australia, 168, South Africa, 169, New Zealand, 132, Newfoundland, 85.	April 7	Transmits copies of a circular despatch to the Governors of the Crown Colonies relative to the introduction of penny postage from the Commonwealth of Australia to the Dominions, Colonies, and Protectorates.	181
258	Ditto ...	Canada, 296, South Africa, 194, New Zealand, 169, Newfoundland, 100.	April 28	States that penny postage between Australia and the British Empire will be introduced on May 1st.	182

Postal and Telegraphic Communications.

[Note.—This correspondence, so far as it is concerned with international penny postage and improved cable communications, is in continuance of Resolutions XVII. and XVIII. of the Colonial Conference of 1907.]

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
259	The Governor-General.	Australia, 170.	July 25 (Rec. Aug. 29.)	Reports that Ministers are of opinion that action should be taken to obtain the ownership and control of a cable across the Atlantic between Great Britain and Canada, and that the ownership and control of the telegraphic line connecting such cable with the Pacific cable should be in the hands of the Canadian Government, and asks for the co-operation of the Imperial Government in the matter.	183.
260	To the Governor-General.	Australia, 394.	October 14	States, in reply to No. 259, that His Majesty's Government decided at the end of 1908 that it was not possible to accept the proposal for a State-owned Atlantic cable, but that the Postmaster-General is making proposals to the principal cable companies which will secure a cheaper rate for messages.	184
261	To the Governor-General and Governor.	Canada, 776, New Zealand, 247.	October 21	Transmits copies of Nos. 259 and 260 ...	185
262	The Governor ...	New Zealand, Telegram.	(Rec. Nov. 2)	States that Prime Minister desires to urge strongly on His Majesty's Government co-operation with Pacific Cable Board in construction of an Atlantic cable to complete the all-through line to the Pacific.	185
263	To the Governor ...	New Zealand, 261.	November 9	Requests him, in reply to No. 262, to refer Ministers to No. 261.	185
264	Treasury ...	—	November 18	Transmits correspondence with the Pacific Cable Board as to the proposal of the Board to lay a cable between Australia and New Zealand, and asks that enquiry be made of the Australian and New Zealand Governments as to their intentions with regard to the use of the wireless system it is proposed to establish.	186
265	To the Governor-General and Governor.	Australia, 456, New Zealand, 274.	November 25	Transmits copy of the enclosure in No. 264, and asks for an early intimation of the intentions of his Government with regard to the use of the proposed wireless system between Australia and New Zealand.	190.
266	To the Governor-General.	Canada, 868.	November 25	Transmits copy of No. 265 ...	191

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
267	To General Post Office.	—	December 6	Transmits copies of the Resolutions regarding telegraphic communication which the New Zealand Government proposes to submit to the Conference; asks for observations of the Postmaster-General in the form of memoranda which can be communicated to the Prime Ministers before they leave for England.	191
			1911.		
268	Ditto ...	—	January 4	Transmits copy of the Australian Resolution regarding the nationalization of the Atlantic Cable.	192
269	Ditto ...	—	January 27	Forwards text of Resolution to be proposed by the Government of the Union of South Africa respecting postal communication; observes that the Resolution, being in general terms, cannot be dealt with by memorandum and that it will be sufficient to await the general discussion; asks for Post Office memoranda.	192
270	General Post Office	—	February 15	Concurs in thinking it unnecessary to deal by means of a memorandum with the Resolution as to postal communication; states memoranda on subjects in which the General Post Office is concerned will be furnished without delay.	193
271	To the Governor-General.	Australia, 34.	February 24	Forwards copies of Post Office memoranda respecting the New Zealand Resolution as to cheapening of cable rates and the provision of a State-owned line across Canada.	193
272	To the Governors-General of Canada, Australia, and South Africa, and Governors of New Zealand and Newfoundland.	Telegram	February 27	Embodies copy of a resolution which the Postmaster-General desires to submit to the Conference in favour of the extension of the British Postal Order Scheme to Australia and its full adoption by Canada.	196
273	Ditto ...	Telegram	February 28	States that a memorandum on the resolution in No. 272 will be circulated as soon as possible.	196
274	General Post Office	—	March 1	Considers that the proposed resolution on the uniform design in postage stamps should be withdrawn from the Agenda, and encloses memorandum showing the practical objections to the scheme.	196
275	To the Governors-General and Governors.	Canada, 142, Australia, 99, South Africa, 104, New Zealand, 73, Newfoundland, 38.	March 2	Forwards copy of Post Office memorandum on the Imperial Postal Order Scheme.	197
276	Ditto ...	Canada, 143, South Africa, 105, New Zealand, 74, Newfoundland, 39.	March 2	Forwards copies of the enclosures in Nos. 271 and 277 and adds that it is not yet possible to furnish a memorandum on the New Zealand resolution in favour of a chain of British State-owned wireless telegraph stations but that the matter is receiving consideration.	203

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
			1911.		
277	To the Governor-General.	Australia, 100.	March 2	Transmits copy of the General Post Office memorandum on the proposed State-owned Atlantic Cable; states that it is not yet possible to furnish a memorandum on the New Zealand Resolution advocating a chain of State-owned wireless telegraph stations, but that the resolution is receiving consideration.	203
278	To the Governors-General of Canada, Australia, and South Africa, and Governors of New Zealand and Newfoundland.	Telegram.	March 4	States that His Majesty's Government will not propose the resolution as to a uniform design for postage stamps.	205
279	The Governor ...	New Zealand, Telegram.	(Rec. Mar. 6)	Reports that Ministers learn with satisfaction the decision in No. 278.	205
280	To the Governors-General and Governors.	Canada, 154, Australia, 109, South Africa, 114, New Zealand, 82, Newfoundland, 45.	March 8	States the considerations by which His Majesty's Government have been influenced in withdrawing from the Agenda the proposed resolution as to a uniform design for postage stamps.	205
281	To the Governor-General and Governor.	Australia, 137, New Zealand, 111.	March 22	States that His Majesty's Government see no sufficient reason for the establishment of wireless communication between Ocean Island and Suva, or for connecting Suva with the stations proposed to be erected in Australia and New Zealand; but they have under consideration the erection of medium power stations so as to connect Fiji with other groups in the Pacific.	206
282	The Governor ...	New Zealand, 22.	February 24 (Rec. April 1).	Transmits Ministers' reply to No. 265, stating that it is not intended to use the proposed wireless service for commercial purposes but to confine the service to messages from and to ships at sea and for defence purposes.	207
283	To the Governors-General.	Canada, 240, Australia, 165.	April 7	Transmits copy of No. 282 [and asks for the views of the Australian Government].	207
284	To Treasury ...	—	April 7	Transmits copy of No. 282 ...	207
285	The Governor-General.	Australia, 44.	March 10 (Rec. Apr. 24).	States, in reply to No. 265, that the Commonwealth Government consider that the proposed wireless installations between Australia and New Zealand should be used for defence purposes, for communicating with ships, and as a reserve in case of total interruption of the submarine cable.	208
286	To the Governor-General and Governor.	Australia, 304, New Zealand, 161.]	April 29	Transmits copy of No. 285 ...	208
287	To Treasury ...	—	April 29	Ditto ...	208

(Resolution XIX.)—Naturalization.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
288	The Acting Governor-General.	Australia, 301.	December 24, 1909 (Rec. Feb. 5, 1910).	Conveys the views of his Ministers on the draft Naturalization Bill prepared by the Interdepartmental Committee, and states that they will arrange to be represented at the proposed Conference.	209
289	To the Governor-General.	Australia, 216.	June 3	Transmits copies of despatches from Newfoundland and the South African Colonies, and offers observations upon Ministers' suggestions contained in No. 288.	212
290	To the Governors-General and Governors.	Canada, 442, South Africa, 40, New Zealand, 123, Newfoundland, 101.	June 17	Transmits copies of correspondence, and asks to be furnished with an early expression of Ministers' views on the report of the Interdepartmental Committee and on the correspondence with the Government of the Commonwealth of Australia arising out of it.	214
291	To Home Office ...	—	December 1	Forwards text of the New Zealand Resolution to be submitted to the Conference with regard to naturalization, and adds that further enquiry is being made as to the views of the Dominion Governments.	214
			1911.		
292	Ditto ...	—	January 4	Transmits text of the Australian Resolution to be moved at the Conference.	214
293	The Governor-General.	South Africa, Telegram.	January 23 (Rec. Jan. 23).	Summarizes principal points in a Minute from Ministers which is being forwarded by mail criticising the draft Naturalisation Bill; Ministers hope that question will be reviewed as a whole at the Imperial Conference.	215
294	To Home Office ...	—	February 2	Transmits text of the South African Resolution proposing for discussion at the Conference the principles of the draft Naturalization Bill and copy of No. 293, and requests observations.	215
295	To India Office and Foreign Office.	—	February 2	Transmits copy of No. 294 ...	216
296	To the Governors-General and Governors.	Canada, 72, Australia, 60, New Zealand, 33, Newfoundland, 16.	February 3	Transmits copy of No. 293 ...	216
297	The Governor-General.	South Africa, 50.	January 25 (Rec. Feb. 11).	Transmits copy of Minute from Ministers acknowledging the provisions of the draft Imperial Bill.	217
298	To the Governors-General and Governors.	Canada, 101, Australia, 76, New Zealand, 54, Newfoundland, 24, South Africa, 83.	February 15	States that it is not proposed to prepare any further material for the Conference on the subject of naturalization as there appears to be sufficient in the documents enumerated.	218

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
299	Home Office ...	—	February 16	Agrees, in reply to No. 294, with the proposed method of meeting the first two objections to the draft Bill raised by South African Ministers, but doubts possibility of adopting the suggested reduction of the residential qualification: proposes alternative course.	219
300	To the Governors-General and Governors.	Canada, 136, Australia, 96, New Zealand, 71, Newfoundland, 36.	March 2	Transmits copy of No. 297 to be substituted for No. 293.	219
301	To Home Office ...	—	March 2	Transmits copy of No. 297, considers that it will eventually be necessary to abandon the attempt to secure uniformity in details: and to adopt the suggestion that Governors-General of the self-governing Dominions should give Imperial naturalization only in cases where an applicant has satisfied the tests of the Imperial Act: asks for observations.	219
302	To India Office and Foreign Office.	—	March 2	Transmits copy of No. 297 ..	220
303	The Governor ...	New Zealand, 21.	February 17	Forwards memorandum from Prime Minister suggesting that the provision of the Imperial Bill should be made applicable to the whole Empire, subject to certain powers expressly conferred upon the various Colonial Legislatures.	220
304	To the Governors-General and Governor.	Canada, 218, Australia, 159, South Africa, 153, Newfoundland, 79.	March 31	Transmits copy of No. 303 ...	221
305	To Home Office ...	—	April 1	Transmits copy of No. 303: comments on the proposals in Sir Joseph Ward's memorandum.	221

13.

(Resolution XX.)—Subsidized Steamer Service (All-red Route, &c).

1910.					
306	To Board of Trade and General Post Office.	—	December 15	Transmits copies of the Resolutions to be submitted by the Governments of Newfoundland and New Zealand on the subject of subsidized steamer services.	222
1911.					
307	To the Governor-General.	Canada, Confidential, 2.	April 29	Forwards copies of memoranda by the Board of Trade and General Post Office on the proposed steamship service between Great Britain, Canada, and Australasia.	222

14.

Stamp duties upon Colonial Securities.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
308	To Treasury ...	—	November 25	States that the New Zealand Government propose for discussion at the Conference the subject of the exemption of Government debentures and other securities from stamp duty: presumes that the views of Treasury expressed in 1908 remain unmodified, but asks for observations.	228
309	Ditto ...	—	December 1	Forwards text of the resolution to be proposed by the New Zealand Government at the Conference.	228
1911.					
310	To the Governors-General and Governors.	Canada, 96, Australia, 74, South Africa, 81, New Zealand, 52, Newfoundland, 22.	February 15	Transmits copy of a Memorandum prepared by the Treasury on the subject of stamp duties on Colonial Government securities.	229

15.

Radio-telegraphic Convention of 1906.

1910.					
311	To the Governor-General.	South Africa, 35.	June 16	Requests him to suggest to Ministers that the Union of South Africa should now adhere as a whole to the Radio-telegraphic Convention.	231
312	The Governor-General.	South Africa, 140.	August 19 (Rec. Sept. 10).	States that the Union of South Africa will now adhere as a whole to the Radio-telegraphic Convention.	231
313	To the Governors-General and Governors.	Canada, 731, Australia, 378, New Zealand, 230, Newfoundland, 178.	October 7	Requests that Ministers may be informed that the Union of South Africa have now adhered as a whole to the Radio-telegraphic Convention [To New foundland only trusts that his Government will now reconsider their decision against adherence].	231

16.

Marriage Facilities.

1910.					
314*	Registrar-General ...	—	February 28	Forwards a draft Bill to facilitate marriages between persons residing in the United Kingdom and persons residing in the Colonies, and calls attention to the necessity of a time limit to the validity of a notice of marriage.	233
315*	To Home Office ...	—	April 1	Transmits copies of correspondence, and enquires whether Mr. Churchill sees any objection to the passing of a Bill on the lines indicated.	233

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
316	Home Office ...	—	October 31	States that Mr. Churchill sees no immediate need for the suggested legislation and could not in any case take charge of the Bill in question.	233
317	To Home Office ...	—	November 25	States, in reply to No. 316, that it is not proposed to take any action in regard to the Bill until the meeting of the Imperial Conference in 1911.	233
318	To the Registrar-General.	—	November 25	Transmits copies of Nos. 316 and 317 ...	234

17.

Interchange of (a) Civil Servants.

			1910.		
319	To General Post Office and Board of Trade.	—	December 10	Transmits text of Resolution on the subject of the interchange of civil servants to be proposed by the New Zealand Government; points out the difficulties of formal interchanges, and asks for the views of the General Post Office and the Board of Trade.	235
			1911.		
320	General Post Office	—	February 6	Submits the views of the Postmaster-General on the question of the interchange of civil servants.	235
321	To Board of Trade	—	February 10	Forwards copy of No. 320 and asks for Board of Trade observations.	237
322	Board of Trade ...	—	February 13	Accepts the general principle affirmed in Sir J. Ward's resolution; agrees that it would not be easy to arrange for any fixed scheme of interchange but every facility will be afforded to officers who may be deputed to visit this country.	237
323	To the Governors-General and Governors.	Canada, 116, Australia, 103, South Africa, 106, New Zealand, 75, New-foundland, 40.	March 3	Transmits copies of a Colonial Office Memorandum on the New Zealand resolution.	237

(b) Officers of His Majesty's Forces.

			1910.		
324	War Office ...	Confidential.	August 31	Forwards, for communication to the self-governing Dominions, memorandum on the subject of loans, attachments, and interchanges of and between officers of the regular army and officers of the forces of the overseas Dominions.	240
325	To the Governors-General and Governors.	Canada, Australia, South Africa, New Zealand, Confidential.	September 17	Transmits, for observation of Ministers, copy of the Enclosure to No. 324.	240

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
326	To the Governor ...	New-foundland, Confidential.	September 17	Forwards copy of No. 325 ...	240
			1911.		
327	The Governor-General.	South Africa, Confidential, 1.	January 18 (Rec. Feb. 4).	Encloses, in reply to No. 325, copy of a minute from Ministers stating that they are not yet in a position to gauge their actual requirements in the matter, but will bear carefully in mind the points raised in the War Office memorandum.	241
328	The Governor ...	New Zealand, Confidential.	January 6 (Rec. Feb. 13).	States that Ministers concur in the proposals contained in No. 325, and that their observations on the memorandum enclosed will be submitted later.	241
329	The Governor-General.	Canada, Confidential.	March 8 (Rec. Mar. 20).	Forwards copies of an approved minute of the Privy Council stating that the principles and provisions contained in the Memorandum enclosed in No. 325 are accepted by the Minister of Militia and Defence.	242

18.

Defence.

			1910.		
330	The Governor ...	New Zealand, 107.	December 2, 1909 (Rec. Jan. 8, 1910).	States that, acting on the advice of the Admiralty, it has been decided not to obtain a training ship at present.	243
331	The Governor-General.	Australia, Telegram.	(Rec. Feb. 1)	Requests that the Admiralty may be asked to inspect immediately and continuously the three destroyers now in course of construction in order to ensure that the vessels are equal to their proposed service.	243
332	Admiralty ...	—	March 1	States, in reply to Colonial Office letter of December 31, that before expressing any opinion more detailed information regarding the equipment and capacity of the yards for constructing destroyers is required; offers to detail an officer to report on this, and also to lend a constructive officer experienced in overseeing the construction of vessels of this class; remarks as to design of vessel to be adopted.	243
333	To Admiralty ...	New Zealand.	March 16	Transmits copy of the New Zealand Act No. 9 of 1909: "An Act to make provision for the gift of a Ship of War to His Majesty the King" and proposes to sanction the Act.	244
334	To War Office ...	New Zealand.	March 16	Transmits copy of the New Zealand Defence Bill.	246
335	Admiralty ...	New Zealand.	March 26	Concurs in the proposal to sanction the Act transmitted in No. 333.	247

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
336	To the Governor ...	New Zealand, 81.	April 15	Sanctions the Naval Defence Act, 1909; and requests that he will convey to Ministers His Majesty's Government's sincere appreciation of the generous action of the Government and people of New Zealand in making such an addition to the strength of His Majesty's naval forces.	247
337	—	Canada	May 4	The Naval Service Act, 1910 ...	247
338	Admiralty ...	—	June 30	States that a rule has been approved providing that the service of officers in a ship of war maintained by the Government of any of His Majesty's Dominions beyond the seas, and commissioned for sea service, may, at the discretion of the Admiralty, count as the equivalent of Naval "service in a ship of war at sea" for purposes of promotion and increase of full, half or retired pay; and that the High Commissioner for Canada has been informed accordingly.	253
339	To the Governors-General and Governors.	Canada, 493, Australia, 252, South Africa, 86, New Zealand, 140, Newfoundland, 112.	July 6	Transmits copy of No. 338 ...	254
340	To the Governor ...	New Zealand, 155.	July 19	Sanctions the Defence Act, 1909, but observes that the Army Council have pointed out that the obligation to return to service in the regular or auxiliary forces up to the ages of 50 and 55 on the part of officers on retired pay will override any obligation created under the New Zealand Act.	254
341	Admiralty ...	Canada	July 30	States the arrangements which have been made in connection with the commissioning and manning of the two cruisers purchased by the Government of Canada.	254
342	To the Governor-General.	Canada, 571.	August 3	Transmits copy of No. 341 and asks to be informed by telegraph whether the arrangements proposed meet with the concurrence of the Canadian Government.	257
1911.					
343	The Governor-General.	Australia, 301.	December 6, 1910 (Rec. Jan. 7, 1911).	Transmits copy of the Naval Defence Act, 1910.	257
344	To Admiralty ...	—	January 31	Transmits copy of the Resolutions of the Government of the Union of South Africa proposing certain questions relating to defence for discussion at the Imperial Conference.	263
345	To War Office ...	—	January 31	Ditto ditto.	264
346	To the Committee of Imperial Defence.	—	January 31	Ditto ditto.	264

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
347	To War Office, Admiralty, and Committee of Imperial Defence.	—	February 10	Transmits telegram from the Governor-General of South Africa withdrawing the resolution as to defence submitted by his Government.	264
348	The Governor-General.	Australia, 11.	January 13 (Rec. Feb. 18.)	Embodies list of subjects which Ministers desire to discuss with the War Office on their forthcoming visit to London.	264
349	To War Office and Committee of Imperial Defence.	—	February 21	Transmits copy of No. 348 ...	265
350	To the Governors-General and Governors.	Canada, Australia, South Africa, Newfoundland, Secret.	February 24	Transmits further copy of the Colonial Defence Committee Secret Memorandum No. 417 for use of Ministers in the discussion of defence questions at the Imperial Conference.	265
351	The Governor-General.	Australia, 18.	January 17 (Rec. Feb. 27.)	Submits a list of subjects which the Federal Government desire to discuss with the Admiralty during the forthcoming visit of Ministers to London.	266
352	To Admiralty and Committee of Imperial Defence.	Australia	March 2	Transmits copy of No. 351 ...	266

19.

Status of Dominions Navies.

1910.					
353	Admiralty ...	Confidential.	July 8	Forwards copy of the report of the Conference on the question of the status of Dominion ships of war; urges the necessity of an immediate agreement on the subject between the Governments concerned; but invites prior expression of opinion on the conclusion of the Conference.	267
354	To Admiralty ...	Confidential.	July 27	Concurs in the conclusions of the Committee; proposes that the suggestion in the report for what is called a "United Imperial Navy" should be incorporated in a letter for transmission to the Dominion Governments.	267
355	Admiralty ...	Confidential.	August 9	Forwards a memorandum of the recommendations of the Inter-Departmental Conference on the status of Dominion ships of war, and suggests, as indispensable, a personal conference between representatives of the Home and the Dominion Governments.	268
356	To the Governor-General.	Canada, Telegram.	August 15	States that copies of a memorandum prepared by the Admiralty on certain questions arising out of the creation of Dominion fleets are being sent by mail; regards a personal conference as indispensable and suggests that the Minister and Deputy Minister of Justice of Canada should be empowered to represent the Dominion Government.	275

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
357	To the Governor-General.	Australia, Telegram.	August 15	States that a copy of a memorandum prepared by the Admiralty on questions arising out of the creation of Dominion fleets is being forwarded by mail; the Admiralty think it would be very advantageous that the memorandum should be discussed by representatives of the Home Government and of the Dominions; asks if his Government can nominate any person for such discussion.	275
358	To the Governor-General.	Australia, Canada, Confidential.	August 18	Transmits copy of the enclosure in No. 355.	276
359	The Governor-General.	Australia, Telegram.	(Rec. Aug. 30)	States that the High Commissioner has been requested to represent the Federal Government at the proposed conference on the understanding that any agreement which is arrived at will be subject to ratification by the Federal Government.	276
360	Ditto ...	Canada, Telegram.	(Rec. Sept. 19)	States, with reference to No. 356, that Ministers are anxious for an early decision as to whether Naval Service Act of last session can be applied out of Canadian territorial waters; adds that Minister of Marine has written to Minister of Justice suggesting a conference with the Admiralty on doubtful points.	276
361	To Admiralty ...	Canada, Confidential.	September 23	Transmits copy of No. 360, and understands that Mr. Aylesworth (the Minister of Justice) has not yet received the letter referred to.	277
362	The Governor-General.	Canada, Confidential.	September 24 (Rec. Oct. 10.)	Transmits the approved Minute of Ministers upon which No. 360 was based.	277
363	Admiralty ...	Canada	October 13	Regrets that Mr. Aylesworth has left England without having the suggested discussion with Admiralty representatives, and hopes that Dominion Government will be urged to nominate another representative at an early date; suggests that, pending settlement of question, "Niobe" and "Rainbow" should fly the white ensign and pendant with the Canadian flag at the stern; and assumes that until the question is settled the "Niobe" will not be sent out of Canadian waters.	278
364	To the Governor-General.	Canada, Telegram.	October 15	Conveys purport of No. 363 ...	279
365	To Admiralty ...	Canada	October 15	Transmits copies of Nos. 362 and 364 ...	279
366	To the Governor-General.	Canada, 770.	October 20	Transmits copy of No. 363 ...	279

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
367	The Governor-General.	Canada, Telegram.	(Rec. Nov. 8)	States that Prime Minister trusts that transfer of "Niobe" may take place before November 17, and states Prime Minister's wishes as to flag to be flown by that vessel and the "Rainbow"; Ministers agree to send representative as soon as possible to discuss with Admiralty question of jurisdiction; pending discussion Ministers do not intend to send "Niobe" outside Canadian waters.	280
1911.					
368	To the Governor-General.	Canada, Telegram.	February 4	Asks whether his Government could send a representative to discuss question at an early date.	280
369	Admiralty ...	Australia, Confidential.	February 17	Forwards copy of the report of the conferences between representatives of the Admiralty and the representative of the Commonwealth Government; suggests that a copy should be sent without delay to the Governor-General.	280
370	To the Governor-General.	Australia, Confidential (3).	February 17	Forwards copies of the enclosure in No. 369.	285
371	Ditto ...	Canada, Telegram.	March 4	Asks for a reply to No. 368; Canadian representative should arrive as soon as possible after Easter.	286
372	The Governor-General.	Canada, Telegram.	(Rec. Mar. 4)	States that Ministers are sending Mr. R. C. Smith, K.C., who will arrive in London about middle of March.	286
373	Ditto ...	Canada, Telegram.	(Rec. Mar. 4)	States that the Dominion Government desire that the "Niobe" should be allowed to proceed on a cruise to Bermuda, and enquires whether the Admiralty have any objection.	286
374	To the Governor-General.	Canada, Telegram.	March 8	States that the Admiralty appreciate the reasons given for desiring to send the "Niobe" on a cruise to Bermuda, but deprecate earnestly the vessel's leaving Canadian waters until the question of her status has been determined.	287
375	To Admiralty ...	Canada	March 17	Transmits copy of Nos. 368, 371 and 372, and considers that Colonial Office should be represented at the discussion.	287
376	The Governor-General.	Canada, 129.	March 10 (Rec. Mar. 21.)	Forwards minute from Ministers concurring in the suggestion that the "Niobe" and "Rainbow" shall fly the white ensign with the Canadian flag at stem, at any rate until some definite arrangement has been arrived at between representatives of the Admiralty and the Canadian Government.	287
377	To Admiralty ...	Canada	March 23	Transmits copy of No. 376 ...	268
378	Admiralty ...	Confidential.	(Rec. April 29)	Memorandum of provisional arrangement respecting the status of the Canadian Navy accepted by Mr. Smith.	268

The Declaration of London.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
379	Admiralty ...	—	January 4	Forwards for early consideration copy of the interim report of the Inter-departmental Committee on the subject of the action to be taken in connection with the establishment of an International Court of Appeal in Naval Prize Cases; encloses copy of the revised Naval Prize Bill.	290
380	To Admiralty ...	—	February 14	Replies to No. 379 ...	290
381	Foreign Office ...	—	December 19	Suggests that, in view of the objections of the Australian Government, the ratification of the Declaration of London should be postponed until after the Imperial Conference.	292
			1911.		
382	To Foreign Office ...	—	January 12	Transmits, in reply to No. 381, text of the Australian Resolution respecting the Declaration of London; expresses opinion that the question should be discussed at the Conference for reasons given.	293
383	To the Governors-General and Governors.	Canada, Australia, South Africa, New Zealand, Newfoundland, Confidential.	February 17	Transmits copy of a memorandum by the Earl of Desart on the Declaration of London.	294
384	To Admiralty ...	—	March 4	States that the question has been raised whether Colonial or Imperial funds are to be regarded as liable in case of compensation through the action of a self-governing Dominion in exercising the "droit de prince" in regard to the treatment of neutral and enemy merchant ships in time of war; asks for a definite conclusion on the point before the meeting of the Imperial Conference.	305
385	To the Governors-General and Governors.	Canada, 201, Australia, 140, South Africa, 140, New Zealand, 113, Newfoundland, 79.	March 24	Transmits copies of the debates in the House of Lords on March 8, 9, and 13 on the Declaration of London.	305

Enforcement of Commercial Arbitration Awards.

			1911.		
386	Board of Trade ...	—	February 21	Forwards draft resolution which the Board are anxious to include in the Agenda concerning the making of mutual arrangements between the Imperial Government and the Dominions for the enforcement in one part of the Empire of commercial Arbitration Awards given in another part.	306

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
387	To the Governors-General of Canada, Australia, and South Africa, and the Governors of New Zealand and Newfoundland.	Telegram.	February 22	Embodies the resolution of the Board of Trade forwarded in No. 386.	306
388	To Board of Trade...	—	February 23	Transmits copy of No. 387, and asks for a memorandum.	306
389	To the Governors-General and Governors.	Canada, 149, Australia, 197, South Africa, 109, New Zealand, 80, Newfoundland, 43.	March 3	Transmits copies of a memorandum prepared by the Board of Trade.	307

Coinage, Weights, and Measures.

			1910.		
390	To Treasury ...	—	December 20	Refers to the Resolution, on coinage and currency reform, and the introduction of the decimal system which New Zealand and Australia propose to bring before the Conference; observes that it is not clear whether New Zealand proposes to raise the question of a share in coinage profits.	316
			1911.		
391	To Board of Trade	—	January 4	Transmits copy of the Australian Resolution on units of weights and measures and presumes that the Board are not able to alter the position they took up in 1907.	316
392	To Treasury ...	—	January 4	Transmits copy of the Australian Resolution to be submitted to the Conference regarding coinage and measures, and asks for views of Treasury on the subject of a reform of coinage units.	317
393	Board of Trade ...	—	January 21	States that the Board see no reason to modify the views expressed in 1907 regarding the units of weights and measures.	317
394	Treasury ...	—	February 23	States that, as regards the decimal system of fixing currency units, the Lords Commissioners have nothing to add to the memorandum printed for the Colonial Conference of 1907; points out that the question of participation in "profits" of silver coinage was fully discussed at the last Conference and must be regarded as settled; there will be no difficulty in the establishment of a special subsidiary coinage in New Zealand as has already been done in Australia.	317

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
			—		
395	To the Governors-General and Governors.	Canada, 135, Australia, 95, South Africa, 103, New Zealand, 70, Newfoundland, 35.	March 1	Conveys purport of No. 394	318

23.

Payment of Double Taxation (Transvaal Estate Duty Act, &c.).

			1909.		
			—		
396	—	Transvaal	July 7.	Extract from Act No. 28 of 1909, "to amend the law relating to the payment of duty upon the estates of deceased persons."	319
397	Union-Castle Mail Steamship Company, Limited.	(Extract.)	September 2	Points out that the Transvaal Estate Duty Act, No. 28 of 1909, is <i>ultra vires</i> in regard to steamship companies such as the Union-Castle Company, and asks for the view of the Colonial Office as to the validity of the Act in regard to companies whose head office and capital are entirely outside the Colony.	321
398	Messrs. Fraser and Chalmers, Ltd.	—	September 21	Points out the gross injustice they suffer from the operation of the Transvaal Estate Duty Act of 1909, and asks for the assistance of the Secretary of State in procuring redress.	322
399	Messrs. Flux, Thompson, and Quarrell.	—	September 24	Enquires whether the provisions of the Transvaal Death Duties Act of 1909 prevent the passing of an Order in Council applying section 20 of the Finance Act of 1894 to the Transvaal, and points out how unfairly certain provisions of the Act press upon British Companies.	323
400	The Sheffield Chamber of Commerce.	—	October 14	Points out the prejudicial effect which the Transvaal Estate Duty Act of 1909 is bound to have on British interests, and trusts that His Majesty's Government will be able to obtain some modification of the very objectionable provisions of the Act.	323
401	To the Governor ...	Transvaal, 397.	December 31	Sanctions the Transvaal Estate Duty Act of 1909, but encloses copies of Nos. 397-400, and asks that Ministers will take these representations into consideration.	325
			1910.		
			—		
402	The Governor ...	Transvaal, 25.	February 14 (Rec. Mar. 5.)	Encloses copy of a minute from Ministers covering a memorandum by the Chief Inspector of Revenue explaining the incidence of estate duty levied under Act No. 28 of 1909.	325

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1910.		
			—		
403	Association of Chambers of Commerce of the United Kingdom.	—	April 30	Memorial praying that His Majesty's Government will take steps to secure an amendment of the Transvaal Estate Duty Act, 1909, so that its present inequitable operation in the case of British limited companies who also carry on business in the Transvaal may be redressed.	331
404	To the Association of Chambers of Commerce of the United Kingdom.	—	May 18	States that No. 403 will be brought to the notice of the Government of the Union of South Africa in due course.	333
405	Messrs. Stevenson and Brownlie to Capt. J. Gilmour, M.P.	—	July 12	Points out the inequity of the operation of the Transvaal Estate Duty Act of 1909 in the case of that part of the estate of the late Mr. Nicholas M. Reid derived from shares in companies carrying on business in the Transvaal.	333
406	To the Governor-General.	South Africa, 143.	August 6	Transmits copies of Nos. 403, 404, and 405, trusts that his Ministers will further consider the question of amending the Transvaal Estate Duty Act.	334
407	To Treasury ...	—	September 1	Transmits copies of Nos. 405 and 406; asks for observations on the reported suggestion of the Chancellor of the Exchequer that the question of the double payment of estate duty in the Transvaal and in the United Kingdom might be discussed at the Imperial Conference.	334
408	To Board of Trade	—	September 5	Transmits copy of No. 407 and asks for observations.	335
409	Board of Trade ...	—	September 22	Points out that the subject is one for the consideration of the Treasury; but thinks that the discussion of the question at the Imperial Conference might be advantageous.	335
410	Treasury	—	November 22	Transmits copy of a letter from the Acting High Commissioner for the Union of South Africa, asking, on behalf of the Union Government, that section 20 of the Finance Act, 1894, may be applied to South Africa and if amending legislation provides for the taxation of shares in companies registered in South Africa.	336
411	To the Acting High Commissioner for the Union of South Africa.	—	November 24	Transmits copy of No. 410 (without enclosure).	337
412	To Treasury ..	—	November 24	Asks for the views of the Treasury on the question of the relief from double taxation, whether in the case of income tax or otherwise, as the subject is to be proposed at the Conference by the Government of New Zealand.	337
413	Ditto	—	December 6	Transmits text of the Resolution to be proposed by New Zealand at the Imperial Conference with regard to the double payment of income tax; asks for the observations of the Treasury at an early date.	337

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
414	The Governor-General.	South Africa, 316.	November 22 (Rec. Dec. 10.)	Forwards memorandum from Ministers replying to the various representations received from bodies in the United Kingdom with respect to the Transvaal Estate Duty Act, 1909.	338
415	Treasury	—	December 29	Recapitulates the views of the Treasury on the question of the payment of income tax in the United Kingdom in respect of property held in a colony or dependency.	339
1911.					
416	To Treasury	—	January 12	Transmits copy of No. 414; asks for the observations of the Treasury at an early date.	341
417	Ditto	—	January 25	Transmits text of the resolution of the South African Government relative to the double payment of income tax and death duties; asks that it may be considered with No. 416; asks whether No. 415 may be communicated to the Dominions together with a similar statement relative to the payment of death duties.	341
418	To the Governors-General and Governors.	Canada, 124, Australia, 39, South Africa, 97, New Zealand, 63, Newfoundland, 39.	February 23	Transmits copy of No. 415	342
419	Ditto	Canada, 167, Australia, 117, South Africa, 129, New Zealand, 95, Newfoundland, 52.	March 10	Forwards copies of a memorandum by the Treasury on the double payment of death duties.	342

24.

Reciprocity in the Law respecting Destitute Persons.

1910.					
420	Poor Law Union of West Ham.	—	October 17	Encloses copy of a resolution adopted by the Guardians urging an arrangement with the Colonies for the maintenance of the wives and children of men who desert their ships in Colonial ports, and asks that action may be taken on the lines indicated.	345
421	To the Local Government Board.	—	October 25	Transmits copy of No. 420; states that the Government of New Zealand intend to raise, at the next Imperial Conference, the question of the amendment of the law relating to reciprocity as to destitute persons; and asks for any observations which the Board may wish to offer on the matter.	345
422	Ditto	—	December 8	Forwards text of Resolution of the New Zealand Government as to the Destitute Persons Law and asks that a memorandum may be prepared.	346

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
423	Local Government Board.	—	January 11	Forwards the memorandum asked for in No. 422 and suggests communication on certain points with the Home Office and Board of Trade and generally with the Scottish and Irish Local Government Boards.	346
424	To Board of Trade, Local Government Boards for Scotland and Ireland, and Home Office.	—	January 20	Forwards text of New Zealand Resolution as to reciprocity in the law as to deserted wives and children, with copy of memorandum of Local Government Board, and requests observations in memorandum form.	349
425	Home Office	—	January 28	Forwards the memorandum asked for in No. 424.	349
426	Local Government Board for Ireland.	—	February 3	Concurs generally with the views of the Local Government Board and encloses memorandum setting out the differences between the Irish and English law.	350
427	Local Government Board, Scotland.	—	February 11	Transmits memorandum on the proposal to establish a system of reciprocity.	351
428	To the Governors-General and Governors.	Canada, 103, Australia, 82, South Africa, 88, New Zealand, 56, Newfoundland, 26.	February 17	Transmits copies of the memoranda in Nos. 423, 425, 426, and 427.	354
429	To Local Government Board.	—	February 20	Transmits copies of the enclosures in Nos. 425, 426, and 427; asks whether the President will be prepared to undertake the discussion of the New Zealand Resolution from all points of view.	354
430	To Board of Trade	—	February 22	Requests the early receipt of any observations which the Board may have to make upon the Resolution enclosed in No. 424.	354
431	To the Governors-General and Governors.	Canada, 147, Australia, 104, South Africa, 107, New Zealand, 77, Newfoundland, 41.	March 3	Transmits copy of a Board of Trade memorandum in regard to the question of reciprocity in the law as to destitute persons so far as it affects seamen.	355

25.

The Law of Conspiracy.

1911.					
432	To the Governor-General.	Australia, Telegram.	January 4	States that it would facilitate the consideration of the proposed Resolution as to conspiracy if the matters involved were precisely indicated.	356

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
433	The Governor-General.	Australia, 19.	January 18 (Rec. Feb. 27.)	States that the primary reason of the Resolution was to make it an offence against the laws of Hong Kong and Singapore to conspire to defeat the Immigration Restriction Act of the Commonwealth, but it is intended to apply generally, and make unlawful any conspiracy in one part of the Empire to transgress a law of another part.	356.
434	To the Governors-General and Governors.	Canada, 148, South Africa, 108, New Zealand, 78, Newfoundland, 42.	March 3	Forwards copy of No. 433 ...	356.
435	To the Governors of Hong Kong and Straits Settlements.	Telegram	March 4	Embodies substance of No. 433 and requests full report whether such legislation is desirable.	357.
436	The Governor of the Straits Settlements.	Telegram	(Rec. Mar. 14)	Points out objections to the introduction of such a measure as is indicated in No. 435: states that it would meet with violent opposition from every member of the Council, would have to be forced through entirely by the vote of official members, and would be followed by a boycott of Australian trade.	357.
437	The Governor ...	Hong Kong, Telegram.	(Rec. Mar. 22)	States, in reply to No. 435, that he is advised that there is sufficient machinery to deal with primary objects of Australian resolution re conspiracy, but legislation will be introduced to remove all doubt.	357.
438	To Home Office, Board of Trade, and Local Government Board.	—	March 27	Transmits, for observations, copies of Nos. 432, 433, and 435-7.	358.
439	To the Governor of Hong Kong.	Telegram	March 28	Instructs him not to introduce the Bill referred to in No. 437 pending further instructions.	358.
440	Local Government Board.	—	April 5	States, in reply to No. 438, that the Board have no observations to offer.	358.
441	The Governor of the Straits Settlements.	127	March 28 (Rec. Apr. 22.)	Corrects the figures given in No. 436 of attempts to evade Australian law; states that he is prepared to advise the legislature to increase the penalty for stowing away, but deprecates any legislation directly associating the Colony with the Australian policy in regard to Chinese.	359.
442	The Governor of Hong Kong.	106	March 30 (Rec. Apr. 22.)	Encloses the Attorney-General's report upon which No. 437 was based with draft of the proposed legislation; states that the Colony would gladly co-operate in any scheme of legislation against conspiracy to defeat the laws of any part of the Empire.	359.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
443	Mr. L. Harcourt to the Lord Chancellor.	—	April 26	Refers to the Australian Resolution regarding the law of conspiracy and encloses copy of correspondence on the subject, and asks if he will undertake to deal with the matter at the Conference.	362.
444	Colonial Office ...	—	April 28	Memorandum on the Resolution of the Commonwealth of Australia.	362.

26.

Uniformity and Reciprocity in Accident Compensation Law.

1910.					
445	To Home Office ...	—	November 24	Transmits extract from a telegram from the Governor of New Zealand suggesting for discussion the question of the proposed uniformity in the law of compensation for accidents throughout the Empire, and asks for Mr. Churchill's observations.	364.
446	Ditto ...	—	December 6	Embodies the text of the New Zealand Resolution to be moved at the Imperial Conference; asks for a memorandum setting forth Mr. Churchill's views.	364.
1911.					
447	To the Governors-General and Governors.	Canada, 23, Australia, 88, South Africa, 26, New Zealand, 82, Newfoundland, 29.	February 22	Transmits copies of the Home Office memorandum on the Resolution which is to be submitted on the question of uniformity in the law of accident compensation.	364.
448	To Home Office ...	—	March 6	Transmits printed copies of the Home Office memorandum, which has been forwarded to the Dominions.	368.

27.

Uniformity in the Law respecting Alien Immigration and Exclusion.

1910.					
449	To the Governors-General and Governors.	Canada, 849, Australia, 437, South Africa, 208, New Zealand, 269, Newfoundland, 202.	November 18	States that the Home Office desires to bring before the Imperial Conference the question of the deportation of undesirable aliens from the self-governing Dominions; encloses copy of a memorandum on the subject; and invites the earnest consideration of Ministers of the question.	369.
450	To Home Office ...	—	December 14	Transmits Resolution of the New Zealand Government in regard to immigration and the exclusion of aliens, and asks for a memorandum giving expression to Mr. Churchill's views.	371.
451	To Foreign Office ...	—	December 14	Transmits copy of No. 450 and asks for Sir E. Grey's observations.	371.

The Question of Asiatics in the Dominions.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
452	Foreign Office ...	—	December 28	Requests that the views of the Home Office when received may be communicated to the Foreign Office, pending the receipt of which no useful observations can be offered.	371
453	The Governor-General.	Canada, 26.	January 16 (Rec. Jan. 30.)	Transmits copy of a Privy Council minute stating that the question is under the consideration of the Minister for the Interior, who suggests a means whereby the difficulties referred to in the Home Secretary's memorandum may be obviated to a considerable degree.	372
454	To Home Office ...	—	February 7	Transmits copy of No. 453 ...	373
455	To the Governors-General and Governors.	Australia, 65, South Africa, 65, New Zealand, 46, Newfoundland, 19.	February 8	Ditto ...	373
456	The Governor-General.	South Africa, 36.	January 19 (Rec. Feb. 11.)	States that Ministers consider the question of the deportation of undesirable aliens a fair one for discussion at the Conference and trust that a satisfactory solution will result.	373
457	The Governor ...	New Zealand, 5.	January 11 (Rec. Feb. 14.)	States that his Prime Minister will be prepared to discuss the question at the Conference.	374
458	To Foreign Office ...	—	March 4	Refers to No. 452 and transmits copy of the enclosure in No. 462; asks for the views of the Foreign Office on the New Zealand Resolution and the memorandum.	374
459	To the Governors-General of Canada, Australia, and South Africa, and the Governors of New Zealand and Newfoundland.	Telegram	March 4	Embodies the text of the Resolution to be moved on behalf of the Imperial Government at the Conference.	374
460	The Governor ...	Newfoundland, 12.	March 8 (Rec. Mar. 18.)	Transmits letter from Colonial Secretary stating that Newfoundland will be pleased to take measures considered necessary to avoid burdening United Kingdom with undesirable aliens, and that there is no objection to the discussion of the subject at the Conference.	375
461	Foreign Office ...	—	March 23	States, with reference to No. 458, that Sir E. Grey has no observations to offer.	375
462	To the Governors-General and Governors.	Canada, 203, Australia, 147, South Africa, 146, New Zealand, 113, Newfoundland, 71.	March 24	Transmits copies of a memorandum by the Home Office.	376

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1910.					
463	New Zealand House of Representatives.	New Zealand.	September 23	Extract from a speech by Sir J. G. Ward in the New Zealand Parliament on the question of the employment of lascars on ships trading with New Zealand.	378
464	The London All-India Moslem League.	—	November 11	Surveys the position of British Indians in the Transvaal and elsewhere as a whole and suggests that it should be discussed at the next Imperial Conference.	378
465	To the London All-India Moslem League.	—	December 14	States that the matter is receiving the earnest attention of His Majesty's Government; corrects certain errors in No. 464.	386
466	To India Office ...	—	December 15	Suggests that the question of the position of British Indians in the Dominions should be discussed at the next Imperial Conference, and proposes the appointment of a Departmental Committee to decide in what form the question should be raised, and what points should be made.	386
467	To Foreign Office ...	—	December 29	Transmits copy of No. 465, and inquires whether the Foreign Office agrees to the appointment of an Inter-Departmental Committee.	387
1911.					
468	The London All-India Moslem League.	—	January 19	Expresses thanks for No. 465; replies to the three points of detail mentioned therein; asks that one or more Indians may be admitted to the Imperial Conference to discuss the problem of the position of Indians in the Empire.	388
469	To the London All-India Moslem League.	—	February 8	States that the Imperial Conference is a conference of Ministers, and that the interests and views of British Indians will be represented there by the Secretary of State for India.	390
470	India Office ...	Confidential.	April 5	Transmits copies of a Memorandum on the subject; suggests that it may be desirable for the Inter-Departmental Committee to meet again shortly.	390
471	To India Office ...	—	April 12	States, in reply to No. 470, that Mr. Harecourt has no observations to offer on the memorandum enclosed, but considers that the Inter-Departmental Committee should meet again shortly with a view to a recommendation as to the form in which the question should be raised at the Conference.	397

APPENDICES.

(Prepared by the Board of Trade.)

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FURTHER CORRESPONDENCE

RELATING TO THE

IMPERIAL CONFERENCE.

1.

(Resolution I.)

(a) Constitution and Procedure of Imperial Conference and Imperial Secretariat.

4266

No. 1.

WAR OFFICE to COLONIAL OFFICE.

(Received 12 February, 1910.)

[Answered by No. 27 in [Cd. 5273].]

War Office, London, S.W., 11th February, 1910.

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5227

No. 2.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA AND AUSTRALIA AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 5.23 p.m., 9th March, 1910.)

TELEGRAM.

[Published as No. 26 in [Cd. 5273], July, 1910.]

5227

No. 3.

COLONIAL OFFICE to WAR OFFICE.

[Answered by No. 30 in [Cd. 5273].]

Downing Street, 16 March, 1910.

[Published as No. 27 in [Cd. 5273], July, 1910.]

5227

No. 4.

COLONIAL OFFICE to HOME OFFICE.

[Answered by No. 42a in [Cd. 5273].]

Downing Street, 16 March, 1910.

[Published as No. 28 in [Cd. 5273], July, 1910.]

5227

No. 5.

COLONIAL OFFICE to BOARD OF TRADE AND ADMIRALTY.

Downing Street, 16 March, 1910.

[Published as No. 29 in [Cd. 5273], July, 1910.]

8387

No. 6.

WAR OFFICE to COLONIAL OFFICE.

(Received 22 March, 1910.)

War Office, London, S.W., 21 March, 1910.

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11350

No. 7.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 18 April, 1910.)

(No. 30.)

Government House, St. John's, 31 March, 1910.

[Published as No. 30a in [Cd. 5273], July, 1910.]

5227

No. 8.

COLONIAL OFFICE to GENERAL POST OFFICE.

Downing Street, 9 July, 1910.

[Published as No. 31 in [Cd. 5273], July, 1910.]

11350

No. 9.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 103.)

Downing Street, 14 July, 1910.

[Published as No. 31a in [Cd. 5273], July, 1910.]

[Copy forwarded to the other Dominions in despatches dated 14 July, 1910.]

21642

No. 10.

HOME OFFICE to COLONIAL OFFICE.

(Received July 15, 1910.)

Whitehall, 14 July, 1910.

[Extract published as No. 32 in [Cd. 5273], July, 1910.]

22583

No. 11.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8.20 a.m., July 23, 1910.)

TELEGRAM.

[Extract published as No. 32a in [Cd. 5273], July, 1910.]

No. 12.

NEW ZEALAND.

EXTRACT FROM PARLIAMENTARY DEBATES, HOUSE OF REPRESENTATIVES, 23RD SEPTEMBER, 1910.

Mr. HERRIES.—" . . . It seems to me that in these Imperial matters if the colonies are going to be consulted—if a sort of Imperial Council is going to be held—all the questions that are going to be discussed at those Conferences should be laid before the various Legislatures represented at those Conferences. Of course, it may be argued that the Prime Minister—and I am now speaking impersonally—represents the people of his Dominion or colony. Constitutionally, no doubt he does; but at the same time, as every one knows, an election may have been held, and a Ministry may have been returned on certain local questions, and may not on Imperial subjects represent the general wishes of the people of the Dominion. It is also quite possible that in the Old Country a Ministry may be returned which on Imperial subjects does not represent the majority of the people of the country. And it seems right that some arrangement ought to be made if we are going to maintain the Imperial tie; and in regard to these consultations between the Mother Country and the Colonies—which I quite agree with and completely support—I think the Order Paper, or the matters that are going to be discussed, should be sent to the different Dominions and the colonies some time before, so that they might be put before the Legislatures of those colonies, so that they may be able to give their opinion as to what attitude their delegates ought to take up. For, after all, the Prime Minister, or whoever represents the colony, is only a delegate to express the opinion of the colony he represents. I am sure the Prime Minister will agree with me that that is the case, without derogating at all from his position. At present we are in the dark as to whether the Prime Minister is going Home; we are informed unofficially that no doubt he is going Home, and that a Conference of Premiers is to be held next year. Supposing he adopts the position he did on a previous occasion, and that a short session is held before he goes Home, then I think by that time the Order Paper of the Imperial Conference will be out, and he ought to take into consideration whether it is not his duty to submit the various questions for the consideration of the House. And I am quite satisfied if he submitted those questions they would not be treated in any way in a party spirit. I am sure, as far as Imperial politics are concerned, the Dominion would treat them less in a party spirit than the Old Country, because we are like lookers-on, who see most of the game; and I believe our statesmen are very often more right in their judgment of the politics of the world, though in a great many cases they have not the requisite knowledge that Imperial statesmen have. And I am satisfied if the Premiers submitted the Order Paper of the Conference to the different Dominions and colonies they would get an expression of opinion which would on that account have more weight with the Imperial Government and the other colonies than if it were merely the opinion, practically, of the Cabinet. We on this side of the House have never had any experience of what takes place in Cabinet. This is a great misfortune to the country in one way, because we could discuss matters in a more intelligent way if we knew the general custom in Cabinet. One does not know whether the Order Paper that is submitted to the various Premiers is ever sent to them before they meet in the Old Country, or, if so, whether they are ever submitted to the Cabinet. Secrecy seems to be preserved in regard to these matters, and we are unable to find out what is happening. If the Order Paper were submitted to the Cabinet it would only represent the views of the Cabinet, which might not on Imperial questions represent the majority of the House. The worst is that we are perhaps committed to things which, if we had notice of, we would not agree with. I do not say there are many of them, but there might be one or two. We are left completely in the dark as to Imperial subjects. For instance, up to the present—I hope we are more than half-way through the session—

The Right Hon. Sir J. G. WARD.—I do not think you are.

Mr. HERRIES.—We are, at all events, a long way into the session. We have been thirteen weeks here, yet up to the present we have not had the despatches by His Excellency the Governor to the Colonial Office in London, nor the despatches of the Secretary of State for the Colonies to the Governor, laid on the table of the House. I do not say there is very much in them generally—they are so well sub-edited, and anything of importance is so carefully extracted from them, I suppose, on account of being confidential. This shows how little attention is paid to

Imperial despatches when even these papers are not laid on the table of the House, as they should be, at the commencement of the session.

An HON. MEMBER.—You are always fault-finding.

Mr. HERRIES.—The trouble is, as the honourable gentleman says, we are always finding fault, which is not at all pleasant for us. At the same time, if we did not find fault things would not be done. The honourable gentleman, who I see is just going out, will agree with me that when the papers are directed to be laid on the table of the House like these despatches, they should be so laid on the table at the earliest opportunity, and I hope they will be laid on the table before we go through the estimates. Now, I would like to say a few words as to what may probably take place at this Imperial Conference. There are one or two things the Premier himself has alluded to in the course of the session. I cannot, of course, allude to past debates, but I can allude to them in a general way. With reference to defence, both naval and military, the opinion of the House has been taken, and the right honourable gentleman when he goes Home will be able to speak with a knowledge of what this House desires if he gets his Defence Bill through, and he has also the knowledge gained from the debate on the Dreadnought proposals with regard to naval defence. I think the opinion of the House and country on these matters can be fairly satisfactorily gauged. But, supposing the question of an Imperial Council crops up, does the right honourable gentleman form any idea what the opinion of this House would be, or has he any idea what the opinion of the country may be? He may have his own opinion, and he may get the opinion of the Cabinet, but at the same time I will guarantee that unless the matter was brought up in the forefront of political affairs in this country it would be impossible for the right honourable gentleman to represent this Dominion at the Conference at which that question was brought up with any degree of certainty that he was representing the desires of the people, or even the desires of this Parliament. And then there is the extremely important position which the right honourable gentleman himself raised yesterday with respect to the position of the oversea Dominions in reference to the Mother Country. Now, at the time the right honourable gentleman last went Home, or, rather, the time before that, when it was arranged that these former colonies should be called "Dominions," it was generally considered that we should have two separate Departments of the Colonial Office to deal with the Dominions and with the Crown colonies. I am not sure he did not say two Departments had been created in the Old Country—one dealing with the colonies and the other one dealing with the Dominions.

The Right Hon. Sir J. G. WARD.—One dealing with the Crown colonies separately.

Mr. HERRIES.—Yes; and one dealing with the Dominions.

The Right Hon. Sir J. G. WARD.—That has been done.

Mr. HERRIES.—But has it? I noticed the other day a complaint had been made by one of the Premiers on the other side saying there was practically no difference. All that had been done was that one of the Under-Secretaries might be called Secretary for the Dominion, and one Secretary might be called Under-Secretary for the colonies, but that there were not two separate Departments. Sir, before the adjournment I was speaking with regard to matters that might be brought before the Premiers' Conference next year. My excuse for bringing the subject forward was that this is possibly the last time this session we shall have an opportunity of discussing matters like this, because when Imprest Supply Bills come down towards the end of the session there is no time to discuss them. It is possible we might not have a short session before the right honourable gentleman goes Home, if he does go Home for the Coronation festivities, at which time there will probably be a Premiers' Conference held. I was suggesting to him and to the House at large the desirability of consulting this Parliament and the people with regard to matters that might be brought before the Conference, in order that he might ascertain the wish of the people of this Dominion and the wish of this House. I believe it would be better for himself—I am sure it would be—because he could then speak with the united people of New Zealand behind him, and not simply express his own opinion, or the opinion of the Cabinet, if he consults them. In regard to defence, naval and land, I believe that was practically settled at the last Conference, and probably will not come up again. But there are matters in connection with the Dominions or colonies with the Mother Country which must be settled sooner or later before we can say that the matter is satisfactory. At present we seem to be drifting without any aim at all in Imperial matters. It is all very

well as long as there is a sympathetic Ministry in power in the Old Country or a sympathetic Ministry in power in each of the Dominions. But the trouble one sees is this: if at any time there comes a Ministry, as there have been in the Old Country, who look more to the welfare of the individual than to the welfare of the State. We can quite understand a Ministry composed of men who are now thought to be the extreme Radicals at Home, who in a few years may not be thought extreme—men of the class of Mr. Keir Hardie and others—who might possibly—and quite rightly from their point of view—look more to the welfare of the working-classes in the Old Country and the poor in the Old Country than to the great Imperial projects to which the Government of the present day look. In those times it is quite possible that the connection between the Dominions and the Old Country may not be such a matter of consideration among the statesmen of the Old Country as it is at the present moment. It seems to me that now is the time to lay the foundation of a lasting policy with regard to the connection with the Old Country. I am not disposed to-night, nor have I the information at my disposal, to say exactly how that connection is to be made. The Premier, who has been to the Old Country, and has talked with and visited the chief men of all the Empire, ought to be able to tell us as to how this connection should be made and how it should be maintained. I believe, myself, he has inherited the Imperial instincts of his late chief, Mr. Seddon. I am glad to know it. I believe this Parliament and country are Imperial to the backbone, and all we want is a lead in order to know exactly how we can benefit the Empire and the Dominion at the same time. And I believe a night or a day devoted to this aspect in order to get the opinions of members of Parliament would be of inestimable benefit to the country at large. Unfortunately, these are the only opportunities when you can voice what you may call an opinion on the higher walks of politics. We are all too accustomed in our Parliament—and rightly, too, for the sake of our constituents—to look at the parochial views, rather than to look beyond the seas and look at the Imperial view, and it is only in debates such as we had last night and this afternoon that we get the Imperial note struck. Perhaps it is too much to expect the Prime Minister to devote a night this session to the subject, but I hope if he does intend to have a short session before he goes Home, if he does go Home, that he will put before us the matters that he proposes to bring forward, or that other Governments he knows of propose to bring forward, at the Imperial Conference, so that we may express an opinion in regard to them. I alluded before the adjournment to the change in our position from colony to Dominion. It was expected to have brought a different system of treatment in the Old Country. Personally—and I notice the Premier of one of the other colonies did so too—I considered that the probability would be that there would be a separate Department of the Colonial Office instituted to consider matters in connection with the Dominions, which has apparently not been done. I also think that the Premiers of these Dominions should form a sort of Imperial Cabinet, and be consulted on all questions of Imperial import as to what the Dominions they represented desired. I believe that would be a good substitute for an Imperial Council, because I never have believed in a representative body for managing the Empire.

Mr. T. E. TAYLOR.—How would the colonial representatives be appointed?

Mr. HERRIES.—I say that the Premiers who represent the different Dominions should form a sort of Cabinet, and be consulted by cable. I do not believe in a representative body sitting in London, because by the time the delegates got to London they might not be representative. The only way is to consult by wire, and for the Imperial Government to let the Cabinets in the different Dominions know exactly what is going on. I do not know whether that is done. We are kept in the dark with regard to that, and I think it would be only right for the Prime Minister to tell us what is actually happening—whether the Dominions since they have been made Dominions are consulted in any way with regard to Imperial politics, as apart from English, Irish, or Scotch politics. Certainly there is no doubt if we pay a certain amount to the upkeep of the fleet, or provide ships, we ought to have a voice in the distribution of the fleet, and in deciding the question of peace or war. That question is bound to arise. I do not know that we are paying enough now in order to make it a live subject; but, supposing we increase our contributions, the question must arise, and will arise, as to what say the colonies who pay the money are to have in the question of the fleet or the question of the army. Supposing we encounter an unsympathetic Government at Home, who will let the fleet fall into disuse and spend their money more for the uplifting of the

people at Home than in preparation for war, that might not suit the Dominions, who may think their contributions are not being properly spent, and then these questions are bound to arise. I believe the statesmen of the Empire ought to consider them, and ought at the same time to be prepared to make proposals which will meet these questions. Then there is the question which the Prime Minister touched upon last night, and which I touched on in the Dreadnought debate—that is, the question of the actual relationship of these colonies as an integral part of the Empire: that in the case—which God forbid—of a disaster to the British fleet and the British Empire, whether a Dominion, or even a colony, could be bartered in exchange for the life of the Old Country, just in the same way as France had to give up Alsace-Lorraine in order to buy off the Germans. That is possible unless there is some constitutional provision made to meet it. It has been known in history that colonies have changed hands almost like pawns in the hands of the diplomatists. We ought to get some sort of resolution or constitutional system which would guard us from falling into the hands of foreign nations in the event of such a catastrophe as I have referred to. So far as the Dominions are concerned, they should be integral parts of the British Empire, and as much a portion of it as York, Leeds, or Lancaster, and that they could not be used in any diplomatic way as a sacrifice for the safety of the Old Country. I hope some consideration will be given to these important Imperial subjects, which we so seldom get the opportunity of discussing. I hope and trust that the Prime Minister—apart from party, because it is above party in every possible way, and I am sure no one in the House would consider it a party question—will give us some indication some time or other this session of the subjects likely to be discussed in the Imperial Conference, whether he is going to attend, and whether he will submit, if opportunity offers, the order paper or the list of matters which are going to be discussed, so that we may be able to give him an indication of what this House and the country desire.”

The Right Hon. Sir J. G. WARD.—“ With regard to a question raised by the honourable member for Tauranga as to the Imperial matters, I wish to say that it would be almost impossible to discuss them at the present moment. In order to remove any misconception from the honourable gentleman's mind, and from the mind of the honourable member for Clutha, I must ask them to remember that it does not matter who represents this country at an Imperial Conference; if he understands his business he never irrevocably commits the country he represents except with a reservation. That has been my attitude at every Conference I have been at. I have made it a condition that nothing I do is to be regarded as finally accepted or finished until it has been ratified by Parliament. As long as you have that provision for ratification the actions of your representative are not going to tie the country up.

Mr. MALCOLM.—But we may wish you to tie us after we have expressed our opinion.

The Right Hon. Sir J. G. WARD.—I only want to point out what the position is to show where we might get to. Whoever goes there his action is put on record, and the record can be seen by any one. In those Conferences I have advocated what I believed this country wanted, and on some very important questions had to use my judgment as to what I believed to be the wishes of the country. But there is always the reservation as far as I am concerned, and whatever resolutions are passed they must always be, where required, subject to the ratification by Parliament. Take, for instance, the question raised by the honourable member for Tauranga about an Imperial Council. I have my own views as to the way in which such a scheme can be arranged, but I may be entirely at variance on this subject with any other man who in the future represents the Dominion at similar Conferences. I may be holding views entirely different from the majority of the members there, and if they by a majority affirm their views, which differ utterly and entirely from mine, my business is to submit that to Parliament as part and parcel of the resolutions arrived at by the Imperial Conference. I do not see how we could possibly carry out what the honourable members for Tauranga and Clutha have—no doubt with the very best intentions—suggested. How could we discuss the questions—the difficult and delicate questions that must arise—with a view to instructing the delegate who is to go to the Old Country? Where should we be likely to get to if that were attempted? Let us look at the subject from a practical standpoint. There would in all probability be twenty headings of various matters to come before the Imperial Conference for consideration, and how are we to devote ourselves to

settle these? Does the honourable gentleman suppose we could get a decision upon one of them if we devoted a day to it? Does he believe we should get a decision upon it in a week? Does he believe we could get a decision upon all of them in a month? And what do you think would be the position of a delegate if you sent him Home, having brought the matter up in the House, with not one affirmative decision; it would certainly leave him in the position of being in doubt. After the debates he would be sent Home without any fixed resolution at all being arrived at.

Mr. MALCOLM.—That is the way you go at present.

The Right Hon. Sir J. G. WARD.—Would the honourable member prefer that the delegate should go away preceded by a telegram stating that the House had come to no decision?

Mr. MALCOLM.—Give us the chance.

The Right Hon. Sir J. G. WARD.—Well, it is a matter that wants consideration. So far as I am concerned I have no objection to it; but I think it right to say that, before one starts discussing in the House questions to be dealt with at the Imperial Conference, the first requisite is that we should have been invited to it, otherwise it might be looked upon as presumptuous on our part.

Mr. T. E. TAYLOR.—Settle our own affairs here first.

The Right Hon. Sir J. G. WARD.—Yes, I think we have plenty to do here; and I think we should have all the time possible to deal with some of our work. I am sure every member is anxious to apply himself to the Government business before the House.

Mr. ALLEN.—Has no invitation to the Conference come?

The Right Hon. Sir J. G. WARD.—No, none so far. I have referred to this question in reply to the honourable member for Tauranga's statement. It would not be becoming on the part of the Government to commence discussing matters before we received an invitation. The Conference might be postponed.”

29119

No. 13.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 5 p.m., 6th October, 1910.)

TELEGRAM.

His Majesty's Government consider it desirable that provisional agreement should be arrived at at an early date as to time for meeting of Imperial Conference next year. It will be remembered that in 1907, April 15th was found to be most suitable date for opening of Conference. Date to be adopted for next year cannot at present be fixed more than provisionally, as it must be considered in connection with Coronation, which has been fixed for date in June to be hereafter more precisely determined. His Majesty's Government hope to be able to welcome on that occasion Prime Ministers of all the self-governing Dominions. It is a question of general convenience whether meetings of Imperial Conference should be held before or after Coronation festivities, but it appears to His Majesty's Government to be decidedly preferable that they should be held before Coronation if that arrangement will be agreeable to your Government. I have not yet received suggestions of your Ministers as to subjects which they would desire to have discussed, but it appears probable that a period of three weeks would be adequate to allow for discussions, in view of the fact that in relation to certain subjects the ground has been to some extent cleared by subsidiary conferences which have met since 1906. On this hypothesis a date about middle of May might be provisionally fixed for opening of Conference.

I shall be glad to receive expression of views of your Ministers at their early convenience.—CREWE.

29119

No. 14.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL OF CANADA,
AUSTRALIA, AND SOUTH AFRICA, AND THE GOVERNORS OF NEW
ZEALAND AND NEWFOUNDLAND.

(Sent 4 p.m., 6th October, 1910.)

TELEGRAM.

Referring to my telegram of even date,* to my telegram March 9th,† to my despatch February 12th, 1909,‡ [South Africa only: and my despatch 14th July§], [New Zealand only: and your telegram 23rd July||], [Newfoundland only: and your despatch 31st March¶], I should be glad if your Ministers would give earliest possible consideration to question of subjects for discussion at Imperial Conference 1911. It is very desirable that Secretariat should be made acquainted with subjects in sufficient time to enable any necessary memoranda, &c., to be prepared and forwarded to members for their consideration before they start for Conference.—CREWE.

31079

No. 15.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.30 a.m., 10th October, 1910.)

TELEGRAM.

[Answered by Nos. 20 and 31.]

Your telegram 6th October.* Prime Minister suggests that Imperial Conference should be held first week in May. Subjects for discussion at Imperial Conference will be transmitted to you by cable this day.—ISLINGTON.

31224

No. 16.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8.30 p.m., 10th October, 1910.)

TELEGRAM.

[Answered by Nos. 21 and 32.]

Your telegram 6th October and later telegram.** My Ministers up to present have not agreed on any subject for the agenda, but if they should the earliest possible notice will be given. Date named, middle of May, or any time between then and Coronation, will be in their opinion suitable.—WILLIAMS.

31239

No. 17.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 11.50 a.m., 11th October, 1910.)

TELEGRAM.

[Answered by No. 20.]

Your telegram of 6th October.* Following is text of subjects for discussion at Imperial Conference:—

- (1) Conference to be open to public press except as regards confidential subjects.

* No. 13. † No. 26 in [Cd. 5273], July, 1910. ‡ No. 18 in [Cd. 5273]. § No. 31a in [Cd. 5273].
¶ No. 32a in [Cd. 5273]. ** Nos. 13 and 14.

- (2) Imperial representation of oversea self-governing Dominions with a view to further organic control.
- (3) Interchange of Civil Service officers.
- (4) Universal penny postage.
- (5) State-owned Atlantic cable.
- (6) State-owned telegraph line across Canadian Dominion.
- (7) Cheapening of cable messages.
- (8) Wireless telegraphy.
- (9) All Red Mail Service from England and New Zealand *via* Canadian Dominion.
- (10) Representation on Judicial Committee of Privy Council of oversea Dominion Judges to hear appeals from their Dominions.
- (11) Power of self-governing Dominions to negotiate commercial treaties with foreign Powers.
- (12) Uniformity in laws of copyright, patents, and trade marks.
- (13) Uniformity in company law.
- (14) Uniformity and reciprocity in accident compensation law.
- (15) Uniformity and extension of legislative powers of self-governing Dominions in respect of shipping.
- (16) Uniformity in law as to residence entitling naturalization.
- (17) Reciprocity as to destitute persons law.
- (18) Reciprocity in the admission of land surveyors to practise.
- (19) Immigration, control, and uniformity in laws with regard to exclusion of aliens.
- (20) Relief from double taxation whether in case of income tax or otherwise.
- (21) Government debentures and other securities to be exempted from stamp duty.

—ISLINGTON.

31302

No. 18.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8 a.m. 12th October, 1910.)

TELEGRAM.

[Answered by No. 20.]

(See) my telegram of 11th October.* No. 22, Currency of Imperial and oversea Dominions coinage.—ISLINGTON.

32118

No. 19.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.25 a.m., 19th October, 1910.)

TELEGRAM.

[Answered by Nos. 21 and 32.]

Your telegram 6th October.† Prime Minister informs me that about the middle of May will be acceptable to Government of Commonwealth of Australia for the Imperial Conference to be opened. Subjects for discussion thereat now under consideration of Ministers.—DUDLEY.

* No. 17.

† No. 13.

31239

No. 20.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent 2.10 p.m., 19th October, 1910.)

TELEGRAM.

Your telegrams 10th October, 11th October, 12th October,* Imperial Conference. I am still awaiting replies from Dominions, except Australian Commonwealth, which states that about middle of May would be suitable, and Newfoundland, which accepts date suggested and has so far no subjects to propose. Meanwhile (see Governor's despatch, No. 95, 29th October, 1906,† and previous correspondence) it would be most useful if your Ministers could put subjects in form of concrete resolutions, as it is difficult to prepare for discussion of many of them without exact information as to what is proposed.—CREWE.

31239

No. 21.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND SOUTH AFRICA, AND THE GOVERNOR OF NEWFOUNDLAND.

(Sent 1.50 p.m., 19th October, 1910.)

TELEGRAM.

[Answered by No. 24.]

[Canada and South Africa: My telegram 6th October.‡] [Australia: Your telegram 19th October.§] [Newfoundland: Your telegram 10 October.¶] It would be most useful in connection with preparation of subjects for discussion by Imperial Conference if your Ministers could follow precedent of 1907 and embody subjects proposed in form of concrete resolutions for submission to Conference.—CREWE.

32443

No. 22.

SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.59 p.m., 22nd October, 1910.)

TELEGRAM.

[Answered by No. 32.]

October 21st, No. 1. Your telegram of 6th October.‡ Ministers concur in your suggestion that Imperial Conference be held prior to Coronation, and that about the middle of May would be a suitable time for first meeting.—GLADSTONE.

32444

No. 23.

SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.20 p.m., 22nd October, 1910.)

TELEGRAM.

October 21st, No. 2. Your despatch of 14th July, No. 103,‡ and your telegram of 6th October.‡ Ministers state that at an early date after opening of Parliament

* Nos. 15, 17, and 18. † 45398; not printed (but see p. 8 of [Cd. 3337], February, 1907).
‡ No. 13. § No. 13. ¶ No. 16. † No. 31a in [Cd. 5273] July, 1910.

they will submit their proposals with regard to subjects to be discussed at Imperial Conference in 1911.—GLADSTONE.

32939

No. 24.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 7.55 p.m., 26th October, 1910.)

TELEGRAM.

Your telegram of 19th October.* My Ministers state that they have no resolution at present to put before the Imperial Conference, but that should any arise later earliest possible notice will be given.—WILLIAMS.

33689

No. 25.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 11.5 p.m., 1st November, 1910.)

TELEGRAM.

[Copy to Board of Trade, 7 November, 1910. L.F.]

[Answered by No. 26.]

My telegram, 26th October.† Imperial Conference. My Ministers desire to place on Agenda question of subsidy for line of steamers between Great Britain and Newfoundland, or between Great Britain and Canada via Newfoundland and Newfoundland Railway.—WILLIAMS.

33689

No. 26.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent 12.55 p.m., 3rd November, 1910.)

TELEGRAM.

[Copy to Board of Trade, 7 November, 1910. L.F.]

Your telegram 1 November.‡ Your Ministers will, no doubt, frame definite resolution for circulation to other Governments with agenda of Conference: see my telegram 19th October.*—CREWE.

32444

No. 27.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 5.10 p.m., 4th November, 1910.)

TELEGRAM.

[Answered by No. 29.]

My telegram 6th October.§ New Zealand Government suggest first week in May for Imperial Conference; Commonwealth, Union of South Africa, and New-

* No. 21.

† No. 24.

‡ No. 25.

§ No. 13.

foundland agree to middle of May. I shall be glad to learn whether latter date would be convenient to your Ministers.—CREWE.

33689

No. 28.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Board of Trade, 7 November, 1910. L.F.]

[Canada. No. 834.] [New Zealand. No. 263.]
[Australia. No. 427.] [Newfoundland. No. 199.]
[South Africa. No. 285.]

MY LORD,
SIR,

Downing Street, 11 November, 1910.

WITH reference to my predecessor's telegram of the 6th of October,* I have the honour to transmit to [Your Excellency] [you] to be laid before your Ministers, the accompanying printed copies of [Canada, Australia, South Africa: telegrams† from the Governors of New Zealand and Newfoundland] [New Zealand: a telegram‡ from the Governor of Newfoundland] [Newfoundland: telegrams§ from the Governor of New Zealand] proposing certain subjects for discussion at the Imperial Conference of 1911, with a copy of the replies|| returned.

I have, &c.,
L. HARCOURT.

35060

No. 29.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.40 a.m., 15th November, 1910.)

TELEGRAM.

[Answered by No. 30.]

Your telegram 4th November.¶ Government of Canada would prefer Conference should meet June 1st. However, if it is more convenient for Governments of other Dominions that it should take place middle of May, Government of Canada will endeavour to fall in with their wishes.—GREY.

35060

No. 30.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.10 p.m., 21st November, 1910.)

TELEGRAM.

Your telegram 15th November.** In view of long list of subjects for Conference suggested by New Zealand, forwarded in my despatch 11th November,†† I think it would not be advisable to postpone opening of Conference later than week beginning 22nd May, exact day to be fixed later. I trust that this date will be acceptable to your Ministers.—HARCOURT.

* No. 13. † Nos. 17, 18, and 25. ‡ No. 25. § Nos. 17 and 18. ¶ Nos. 20 and 26.
¶ No. 27. ** No. 29. †† No. 28.

35060

No. 31.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 3.10 p.m., 21st November, 1910.)

TELEGRAM.

[Answered by No. 51.]

Your telegram 10th October.* Government of Canada are anxious for opening of Imperial Conference to be postponed to June 1st. Other Dominions are agreeable to middle of May. I propose that Conference should commence in week beginning 22nd May, and I hope that this will be satisfactory to your Ministers.—HARCOURT.

35060

No. 32.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF AUSTRALIA AND SOUTH AFRICA AND THE GOVERNOR OF NEWFOUNDLAND.

(Sent 3.10 p.m., 21st November, 1910.)

TELEGRAM.

[Answered by Nos. 36 and 41.]

Your telegram [19th October] [22nd October] [10th October].† It is proposed, in order to meet convenience of Canadian Government, that Imperial Conference should begin in week commencing 22nd May. I hope that this will be satisfactory to your Ministers.—HARCOURT.

1869

No. 33.

NEW ZEALAND.

EXTRACT FROM PARLIAMENTARY DEBATES, HOUSE OF REPRESENTATIVES, 23 NOVEMBER, 1910.

MR. T. E. TAYLOR (Christchurch North) desired to refer to his question—No. 5—and the reply thereto. He submitted it raised a most important issue—namely, as to what the position of this Dominion was to be in the future with regard to the Imperial Conferences held in the Old Land. They were to have had an opportunity this year of discussing the subjects that were set down for consideration at the approaching Conference, but the possibility of such a discussion now seemed very remote. He did not agree with the Prime Minister that if he raised the question of women's franchise as one of the subjects for consideration in London next year the right honourable gentleman would be infringing upon the prerogative of the British Government, for this reason: He submitted there were items placed on the Order Paper for next year's Imperial Conference by the British Government that infringed the rights of this Parliament. Let him give a case in point. A few weeks ago a cable appeared specifying four of the subjects to be considered, and one of these subjects was whether or not the position of High Commissioner for each of the self-governing Dominions should be converted into a political office. He considered that was a matter for this Parliament to decide, and that it had no right to be decided by a Conference sitting in London, because, if carried into effect, it would take from this Parliament some of the sovereign power it at present possessed. If they were to allow the Imperial Conference to create a political office the holder of which was to sit in London and take action, and make decisions by his vote affecting the affairs of this

* No. 15.

† Nos. 19, 22 and 16.

Dominion in the future, then he submitted they were interfering in a larger degree with the affairs of New Zealand than the representative of this Dominion would be if next year he brought up the issue as to the wisdom and expediency of the whole Empire politically enfranchising its women voters. He looked with a very jealous eye upon what might in the future represent an encroachment by the Imperial Conference upon the powers of this Parliament. He submitted they had never had an opportunity, since these Imperial Conferences commenced to sit, to consider the limit that should be placed upon their power, and he was afraid they would find the session closed before they had any opportunity of placing limitations upon either the ambition or judgment of the representative of this Dominion at the Conference.

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The RIGHT HON. SIR J. G. WARD said the Government could not be responsible for the suggestions made by the Press in a matter of that sort; and if the Home Government, or the Imperial Conference, or anybody else, were to pass such a resolution without consulting this country they would place themselves in the position of being very politely told to mind their own business. The Government were responsible to the people of this country for what they believed would be in their interests, and any interference of the nature suggested would, he felt sure, be indignantly resented, and rightly so. If a representative of New Zealand at the Imperial Conference attempted to pass a resolution interfering with the internal politics of Great Britain, the answer would be that it was entirely outside our domain, and that we should leave the Home authorities to manage their own internal affairs. They would decline politely to allow the Imperial Conference to dictate to them what their Home policy should be upon any question affecting them internally, whether it be female franchise or any other question. His colleague had just handed him a paper, in which it was reported that the Prime Minister of England had been mobbed by the suffragettes. Well, he hoped the member for Christchurch North did not suggest that when he (Right Hon. Sir J. G. Ward) was representing New Zealand at the Conference he should, because he could not see his way to support the suggestion of the honourable gentleman, lay himself open to that kind of treatment.

1534

No. 34.

AUSTRALIA.

EXTRACT FROM PARLIAMENTARY DEBATES, HOUSE OF REPRESENTATIVES, 25 NOVEMBER, 1910.

Mr. HUGHES (West Sydney—Acting Prime Minister and Attorney-General).—The first matter to which I desire to direct the attention of honourable members is the Imperial Conference to be held next May. It is proposed by the Government to suggest the following subjects as suitable for discussion:—

COMMERCIAL RELATIONS.

That this Conference, recognising the importance of promoting fuller development of commercial intercourse within the Empire, strongly urges that every effort should be made to bring about co-operation in commercial relations and matters of mutual interest.

COMMERCIAL RELATIONS AND BRITISH SHIPPING.

That it is advisable, in the interests both of the United Kingdom and of the British Dominions beyond the seas, that efforts in favour of British manufactured goods and British shipping should be supported as far as is practicable.

NAVIGATION LAWS.

That it is desirable that the attention of the Governments of the United Kingdom and of the Colonies should be called to the present state of the Navigation laws in the Empire and in other countries, with a view to secure

uniformity of treatment to British shipping, to prevent unfair competition with British ships by foreign subsidized ships, to secure to British ships equal trading advantages with foreign ships, to secure the employment of British seamen on British ships, and to raise the status and improve the conditions of seamen employed on such ships.

UNIFORMITY OF COMPANY LAW.

That it is desirable, so far as circumstances permit, to secure greater uniformity in the company laws of the Empire.

NATURALIZATION.

That, so far as consistent with the law and conditions obtaining therein, each part of the British Empire should make provision to facilitate the naturalization of persons who have been admitted to naturalization in any other part of the Empire.

DECLARATION OF LONDON.

That it is regretted that the Dominions were not consulted prior to the acceptance by the British delegates of the terms of the Declaration of London.

That it is not desirable that Great Britain should adopt the inclusion in Article 24 of foodstuffs, in view of the fact that so large a part of the trade of the Empire is in those articles.

That it is not desirable that Great Britain should adopt the provisions of Articles 48-54, permitting the destruction of neutral vessels.

EMIGRATION.

That the resolution of the Conference of 1907, which was in the following terms, be re-affirmed:—

"That it is desirable to encourage British emigrants to proceed to British Colonies rather than foreign countries."

"That the Imperial Government be requested to co-operate with any Colonies desiring emigrants in assisting suitable persons to emigrate."

"That the Secretary of State for the Colonies be requested to nominate representatives of the Dominions to the committee of the Emigrants' Information Office."

THE LAW OF CONSPIRACY.

That the members of this Conference recommend to their respective Governments the desirableness of submitting measures to Parliament for the prevention of acts of conspiracy to defeat or evade the laws of any other part of the Empire.

That the Imperial Government make similar representations to the Governments of India and the Crown Colonies.

NATIONALIZATION OF THE ATLANTIC CABLE.

That this Conference strongly recommends the nationalization of the Atlantic cable, in order to cheapen and render more effective telegraphic communication between Great Britain, Canada, Australia, and New Zealand, by thus acquiring complete control of the telegraphic and cable lines along the "All-Red Route."

Mr. DEAKIN.—Is that all the cables, or one cable?

Mr. HUGHES: I presume one Atlantic cable.

COINAGE AND MEASURES.

That with a view to facilitating trade and commerce throughout the Empire, the consideration of the advisableness of recommending a reform

of the present units of weights, measures, and coins ought to engage the earnest attention of this Conference.

I shall say nothing by way of amplification of those subjects, but should occasion arise I shall be very glad to explain why they have been suggested and our attitude in regard to them.

I come now to another matter which must engage the attention of the House at once. Some time ago there was received from the Colonial Office a communication asking what the attitude of the Government would be in regard to a delegation from the Parliaments of the oversea Dominions to the Coronation, and stating that a number of members of the British Parliament were actively interesting themselves in a project to offer hospitality to members of the oversea Parliaments during the Coronation week. The Government sent back a reply that they were favourable to such a suggestion. Subsequent despatches have been received, but owing to the crisis in British politics and the approaching dissolution, no formal or official invitation, nor further details, so far as this private hospitality is concerned, have been received. Last week a despatch was received saying that the matter would have to stand over until after the General Election, which takes place some time next month. It is, of course, to be understood that there is not the slightest reason to doubt that the formal invitation will come, and that it will go at least to the point indicated in the preliminary despatches. The Government, regarding this particular form of representation as peculiarly appropriate to Australia and the Commonwealth at the Coronation as a very happy method whereby Australia can be represented by her public men, have cordially approved the project, and are submitting to the Committee in these Estimates an item of £2,500, which will cover the steamer fares of eighteen members of this Parliament. The extent to which the Government intend to go in the matter is limited to providing members with their steamer fares to Great Britain and back, leaving it to them and to the British Government and private citizens in the United Kingdom to make whatever arrangements may be thought proper for their entertainment.

Upon the broad question of a visit to Great Britain of a delegation of members of the Australian Parliament, I think the project is not only one that may be entertained, but an admirable one. No better method could be devised for promoting, not only what are known as Imperial interests, but the best interests of civilization and progress, than to afford public men and representative citizens an opportunity of seeing other countries for themselves and affording the citizens of those countries an opportunity of seeing face to face the kind of men who are engaged in carrying on the business of the world beyond the seas. The spirit underlying the *entente cordiale* ought surely not to be confined to France and Great Britain, but should spread to all the peoples of the earth. The greatest benefits have flown from exchange visits from delegations of members of the French and English Parliaments. And quite recently delegations representative of British and German industrialism exchanged visits to the very great and lasting benefit of both countries and of the world's peace.

The more there are of these visits, the better will it be for humanity. No more effective way could be assured of preventing those hideous blunders that have caused war and bloodshed than that the men of every nation should know each other better.

This delegation of Australian citizens is an infinitely better way to represent Australia than a regiment of soldiers, and the Government heartily approve of this method of affording the public men of Australia an opportunity to see Great Britain, and the people of Great Britain an opportunity of seeing the kind of men that govern Australia, and of hearing their views. I commend the matter to the Committee, in the hope that it may receive their unanimous approval.

It would be obviously impossible to do anything more than to approve the proposal in a general way, leaving the selection of members until the formal invitation comes to hand, which doubtless will be very shortly. We simply ask that Parliament shall ratify and approve the project, and that members shall then take such steps as are necessary to give effect to it. The manner in which the various parties are to be represented has been, or will be, amicably arranged, and every party in this Parliament will be represented upon a satisfactory footing. I shall be glad to supply any further information at my disposal in regard to this or the other matter to which I have referred.

Mr. DEAKIN (Ballarat).—Without adopting the order followed by the Acting Prime Minister, I come at once to the simplest question, that relating to the invitation received from oversea. I had an opportunity of seeing the despatch from the Secretary of State for the Colonies, conveying the invitation, which is supported by the greatest officials in England—the Prime Minister, the Leader of the Opposition, the Lord Chancellor, and the Speaker of the House of Commons. Whatever formal addition may be made, this invitation, in its broad and general character, is already complete, and only likely to be modified in matters of detail. Having regard, not only to the general advantages likely, if not certain, to flow from more intimate relations of this kind between representatives of the various Dominions of the Empire and the representatives of the Mother Country, but also specially to the circumstance, which should be in the forefront of our reflections, that the occasion is the crowning of His Majesty, I am sure that the invitation will meet with a cordial acceptance.

The Coronation is a great and memorable ceremony, which, without interruption for nearly a thousand years, has marked the people's acceptance of their new Sovereign. It is, in the first place, the greatest of our national gatherings, and is also international in the recognition it receives. In these circumstances, as loyal subjects of the Crown, it appears to me that we should have no hesitation in accepting the invitation. I feel sure that not only the Parliament but the people of the Commonwealth, to whom this compliment is really paid, through their representatives, will realize that a most cordial and immediate acceptance was the only possible rejoinder to such a courteous invitation. The offer of hospitality as a further instance of individual kindness and of the feeling that obtains in the great capital of Great Britain is very welcome. Except in its personal relation, however, it is a comparatively minor matter, compared with the great occasion about to be celebrated and the fact that this is the first time that the representative Assemblies of the British peoples oversea have been recognised. This is the first occasion on which all the Parliaments have been invited to be present, through their deputies, at such an event. As it marks, therefore, another stage in the unfolding of our ties and relationship—ties of kinship, affection, and loyalty by which the Empire is held together, I hope that the invitation will receive a cordial reception from the Committee.

The further proposal of the Government to relieve those who are selected of the cost of their transit to and from this country is, at the outset, to be considered in the light of the fact that, with the Dominion of New Zealand, Australia is separated by the whole breadth of the globe from the Mother Country, and that the cost of transit thither is high. If the representation is to be national it must not depend upon the length of the purse of the members who may be selected. The proposal of the Government is designed to place on a footing of equality any members of this Parliament who may be chosen. The invitation may be looked upon as general, and any honourable members who think fit to present themselves will have their official character recognised. But the special delegation which will go to England in the name of this Parliament ought to be such, if it is to be national, as to permit of the acceptance of the invitation by members who, for the simple reason that they could not afford it, might otherwise be obliged to decline. This, as a democratic proposal, has my support, and will, I believe, obtain the support of all the members of the House. The sentiments of the Opposition will now be fairly clear, and without further delay I pass to the great series of topics which the Acting Prime Minister said would be submitted at a meeting next year that, also, has a great Imperial signification.

This is the fourth occasion on which, not the specially selected delegates of this Parliament, but the Ministers, who officially represent the whole of Australia, will have an opportunity to meet face to face their fellow Ministers from the other Dominions, His Majesty's Government, and, incidentally, also the leaders of the different parties of the Mother Country. It offers all the advantages that can be urged in support of the acceptance of the invitation of hospitality, ceremonial, and distinction to which I have alluded, but over and above that affords a periodical recognition of the standing that the oversea Dominions have acquired, will retain, and should extend, since by its means they obtain official recognition and an official voice in many matters decided on the other side of the world, either by the Government of Great Britain, or by the great Departments under them. Separated as we

are from the Mother Country by half the globe, how can we expect that the full weight of the considerations that may be urged in regard to Australian interests can penetrate to British statesmen closely occupied, constantly over-burdened with the cares of the world-wide power to which we belong, unless we send Home, from time to time, those who have been chosen by the people of these Dominions to be His Majesty's advisers responsible for the affairs of this continent? I attach the highest expectations to the forthcoming, as well as to future, assemblages of this Conference of the Prime Ministers of the Dominions under the Crown.

Until the first meeting, in 1887, we ranked only as dependencies, and practically communicated only by despatches. Occasional individual visits remained individual, if not private. There was no recognition of the fact that British people whose homes were oversea, and an increasing proportion of whom are born every year on distant soil, were entitled to Imperial citizenship. In fact, even after 1887, when an auspicious commencement was made, two or three Conferences passed with only a few specific exercises of power; something short of Imperial legislation; but something a good deal more than mere resolutions. Although the last meeting unfortunately was also less fruitful than it might have been in actual achievement, it marked a distinct advance. Never before was such weight attached to such a gathering. Never before were so many great questions exhaustively considered. Never before was so strong an impetus given to the further development of this great institution.

I heard with much interest the Acting Prime Minister's list of the proposals to be submitted to the Conference; and, having heard it, substantially concur with each and all. One, although it came under indirect consideration at previous Conferences, has not, so far as I am aware, been given an official place in the submissions of any Government. It is the proposal that acts of conspiracy against the laws of any part of the Empire shall be prohibited or punished by joint action; and that idea I cordially support. It is an essential of Empire that its several legislative bodies, in a matter of this kind, shall, to the utmost possible extent, recognise the validity of any policy adopted by their kindred when it has been definitely expressed in legislation. I am glad that Ministers have pushed this issue into an important place on this occasion.

Mr. BATCHELOR.—The importance of it is shown in the administration concerning stowaways, and so forth.

Mr. DEAKIN.—Yes; that and similar matters were sufficient to bring the need under notice. All the other propositions, so far as I could follow them, are, in one form or another, familiar. I refrain at this stage of the session from giving them the treatment they deserve; and content myself, so far as my personal commendation is worth anything, by indorsing each and all as worthy of support.

At the same time, I extremely regret that it is on the last day of the session we are asked to consider issues essentially Australian, but which, at the same time, have an Imperial scope, and often a world-wide influence. It is greatly to be regretted that Ministers did not share the advantage of a general debate, extending over two or three sittings, on the most vital of these proposals, in order that they might have spoken in Conference with that confidence in the support of Parliament that I am sure they will receive. But in order to save time, I pass, with that general indorsement, to a few of the matters which were under consideration at the last or preceding Conferences. These, though no reference was made to them by the Attorney-General, I assume are likely to be dealt with at the coming Conference. For instance, the honourable gentleman did not mention either trade marks or patents, and the desirability of some uniformity of legislation affecting them.

Mr. HUGHES.—I am inclined to think that the position in regard to these matters is fairly satisfactory.

Mr. DEAKIN.—But there are sure to be developments. Since the last Conference, we ourselves have been legislating with, I suppose, other oversea Dominions; and the question of how far we are acting in unison is almost sure to emerge. I feel sure that Ministers will be prepared to deal with the matter, which is one of growing importance.

Mr. HUGHES.—I shall be glad to add trade marks and patents law to the questions to be considered; but my information is to the effect that we are now fully in accord.

Mr. DEAKIN.—Ministers cannot know what may be sprung on them, and I suggest that they go well prepared by a preliminary glance at some of the fresh legislation in other parts of the world.

There is another matter which, though it may seem trifling, is of considerable moment. Many of our arguments on economic questions are vitiated by the fact that the statistics of the Empire are prepared on different methods in the different Dominions; they do not refer to the same periods, and some articles are not under the same headings or sub-headings, so that, generally, it requires a considerable expenditure of time to disentangle the facts in regard to the industrial operations and development of the Empire as a whole.

Mr. WEST.—I do not think there is uniformity even amongst the States of Australia.

Mr. DEAKIN.—The point is to make the systems as uniform as possible, and in many matters even a merely formal uniformity is very valuable for statistical and other purposes.

Ministers propose, and wisely, to do as their predecessors did, and support the obtaining of an Atlantic cable. They speak of nationalization; but even that is a procedure on which honourable members are not likely to display much antagonism, if such a step be necessary. It may be possible to obtain all the advantages of the cable without nationalization; but that is a question into which one cannot enter now.

At previous Conferences, the encouragement of better steamship and mail communication has been pressed; and in connexion with the contract which Ministers have been considering, and in which Canada and New Zealand are interested with ourselves, that question is sure to arise. I hope that Ministers will be prepared for a forward policy in this regard.

One matter in which I should have expected the Attorney-General to take an ardent interest, but to which he made no reference, is the establishment of a single Imperial Court of Final Appeal. I again suppress a good deal of argument in order to save time, but am sure the Attorney-General recognises, from a legal point of view, that there are many advantages to the Empire in such a Court. The status of the Dominions oversea I have always regarded as of the utmost importance; hence the Court of Final Appeal that is good enough for the British people ought to be good enough for us. If the Court of Appeal that is given to us, however eminent it may be—and it has been immensely improved in the last few years—is not good enough for the citizens of the British Isles, it is not good enough for us; and, therefore, I hope that the question will be again urged at the forthcoming Conference.

Mr. HUGHES.—The honourable member means, of course, appeal on those matters now referable to the Privy Council?

Mr. DEAKIN.—Exactly. As I say, the present Court has been greatly improved chiefly in order to avoid this very issue, which, however, ought not to be put aside. All our appeals should go to the House of Lords, which is the highest tribunal for the British Isles; and, therefore, should be the highest tribunal for the Dominions oversea.

Mr. HUGHES.—Does the honourable member contemplate supplementing such a Court by oversea Dominion Judges?

Mr. DEAKIN.—I have always favoured such a course. With the growth of litigation, even the small proportion of business which would find its way oversea would be quite sufficient to require the presence of, at least, one Australian, one Canadian, and one South African Judge.

Mr. HUGHES.—I shall be glad to add such a suggestion to the list.

Mr. DEAKIN.—I am expressing my own strong view when I express the hope that the Court to which I allude will be made a thoroughly Imperial tribunal.

A great deal could be said in support of most of the proposals on the list, but I must not be tempted. Let me say, however, that each and every one has an additional value—greater in one sense, to use an Hibernianism, than its own original value, since every one of these proposals makes for an enhancement of the

status of the Dominions oversea. Until that status is established we shall knock, and knock in vain, for a recognition by the average man of the value and importance to the Empire and the Dominions overseas. The creation of this Conference was a great stride, and another stride was made when the Conference was required to meet at least once in every four years. But it is not sufficient that this should remain a mere advisory Conference. Its powers require to grow with the needs and the emergencies of the Empire. These needs and emergencies every year make greater demands for Imperial action and often for united action by all Dominions oversea.

That united action is only to be obtained when, instead of a Conference separated by breaks of four years, continuity and character are given to its policy by providing a means of keeping up the work, following up its suggestions, and giving effect to its resolutions. The work of one Conference should be reviewed at the succeeding one, and all further necessary steps authorized to give full effect to the resolutions passed. But that means, and that only, can we clothe this Conference with the powers that rightly belong to it, making it a thoroughly Imperial body, representative of our race in every part of the world, without trenching on the local Governments of the Dominions or on the sphere of the British Government. We shall bring all together in effective action on that increasing number of great questions in which the interests of the Empire are mainly identical, in some of which action is called for by all Dominions as well as by the Mother Country.

Of course the first and greatest of these questions is that of defence, especially defence by sea. All the seas of the world are one, and our naval forces, though they may be scattered over the globe, must be one in training, strategy, and aim; while there must be such unity amongst the land forces as will enable each part to support the whole. I need not urge these considerations on the Acting Prime Minister, and do not mention them for that purpose. My desire is that the honourable gentleman, or his colleagues who may go to London, shall know that, in enhancing the status of the Dominions oversea, by widening the bounds and functions of the Imperial Conference, the whole Parliament of Australia is behind them. These are not party questions; the Prime Minister and his colleagues should speak out with the consciousness that the people of the Commonwealth are with them.

Mr. HIGGS.—Would the honourable member mind saying what reason he has for supposing that the people of Australia desire an Imperial High Court when they sent Home a Constitution which did not provide for such a Court?

Mr. DEAKIN.—The honourable member is in error; the Constitution as sent Home retained a conditional right of appeal to the existing Court, but I am now speaking of the Court which is the final Court of Appeal to the people of the British Islands, and which, I contend, ought to be the final Court of Appeal for us.

Mr. HIGGS.—British citizens will not help Australians to get their cases tried.

Mr. DEAKIN.—This is the last day of the session, and, in spite of the temptation which these most important matters present, I do not desire to delay honourable members longer than is absolutely necessary. I wish to allude simply to two or three principal considerations, Imperial in extent and character, which demand the regular meetings of this Conference.

Every year increases the need for a central Imperial body on which all the self-governing Dominions are represented and have an effective voice. Its binding decisions being arrived at, not by the counting of votes, but through the unanimity reached by inquiry, argument, and mutual concession, are then ripe for indorsement by the Parliaments which represent their peoples. It is by means of an Imperial Conference, and in no other way, that the peoples oversea can obtain a voice in Imperial affairs, which are their own affairs, as they are effected by interests or actions within or without the Empire. By means of the Conference we have now, at least, some voice in the councils of the Empire. Every gain of power or influence through the Conference is a gain of status. A time is within my memory when these Colonies were not distinguished from Crown Colonies, regarded as territories to be taken care of in a generous maternal fashion, and were not expected to possess difficulties or problems which could not be settled by the capable and brilliant men who then, as now, constituted the Colonial Office which controlled them. But we are now undertaking to think and act somewhat for ourselves.

Therefore, I hope that Ministers will attach the greatest importance to the proposition almost carried last year, that we should not remain associated in the same Department or with the same officials as the Crown Colonies. They are necessarily more under control, and subject, for their own good, to advice and dictation which we cannot receive except in another fashion, and of whose acceptance we must be the ultimate judges. In doing any practical work which may be proposed, Ministers will have our hearty support. Every means of adding to the effectiveness of the Conference raises our status and authority, and puts us more on a level with our fellow-citizens in the Mother Land when dealing with affairs of mutual interest. Of these, as already remarked, Imperial defence is first; but there are many others.

The Conference also performs most important functions as the Intelligence Department for the Empire. At present there are only temporary arrangements for this highly necessary work, though it is excellently carried out within the means allowed. To be successful, the whole effort must be made Imperial. As yet there are too few practical links between us. In the enjoyment and use of our self-governing powers we have to decide for ourselves in a great number of matters. Consequently, the Conference and the officers under it should be entirely independent of the Crown Colony Department, so that our self-governing powers and authorities will always be recognised. Only in this way shall we at last take our place in the councils of the Empire, enabling Imperial action to be taken with the support of all the self-governing people of the Empire. Our wishes were acceded to in a modified degree by a subdivision of the Department, to which I took, and still take, exception as unsatisfactory. The self-governing communities are entitled to be associated with a Department which will never forget that we are self-governing, and that its relations with us are not of a dictatorial character.

Mr. MAHON.—Would it not be better to have at the head of the Department a man who knows something about the oversea Dominions?

Mr. DEAKIN.—We urged that those who have a voice in dealing with our affairs departmentally should know something of our circumstances, and last year we had a visit of that brilliant and attractive official, Sir Charles Lucas, who was accompanied by Mr. Pearson. They appeared to enjoy their visit, and returned with much information evidently new to them. The practice should be extended in the future. That visit was a direct response to the appeal made in 1907 for a better understanding of the Dominions by the Department which has so much to do with them.

Mr. SAMPSON.—Therefore something was achieved.

Mr. DEAKIN.—Yes, in that and in other directions. I have been long enough in State and Federal politics to know the unfruitfulness of formal correspondence by despatches with persons at the other end of the world, who, notwithstanding the best intentions, have a mere book knowledge of our facts and circumstances, and are not able to assess the value of the considerations presented to them.

Mr. ARCHIBALD.—What is the High Commissioner for?

Mr. DEAKIN.—Now that the High Commissioner has been appointed, the Government can send a great deal of information through him, not only to officials, but also direct to the ear of the Secretary of State.

Mr. ARCHIBALD.—And he thoroughly understands our circumstances?

Mr. DEAKIN.—Yes and is able to furnish explanations. Sir George Reid has been taking full advantage of the opportunities offered to him. Of course, 99 per cent. of his work is known only to Ministers. We do not know what tasks they set him, nor what successes are achieved, but the results are being shown in a better handling of our interests.

While each of the issues mentioned by the Minister is important, I could name many which were not specified by him, such as Defence, which must come up for reconsideration in connexion with the co-ordination of the Forces of the Dominions and the Mother Country. In particular, a great number of practical naval questions must arise now that we have war vessels of our own. It has taken a number of years to get them, but I trust that the Western Australians, who are now giving them so frank and cordial a welcome, realize that in doing so they represent the Commonwealth, which, including this Parliament, shares their enthusiasm, feeling with them that a new stage of our national growth is completed.

Old members of the House know how long we have been fighting for naval defence, how difficult it was to obtain a vote of money, and how, when obtained, it

was shackled with conditions which prevented our taking action. Yet we made good progress so as to be ready for action. We had an officer in London, under the advice of the Admiralty, engaged in selecting the type of vessel, and having plans drawn.

Mr. JOSEPH COOK.—To what officer does the honourable member refer?

Mr. DEAKIN. Commander Clarkson was sent Home in connexion with the establishment of a small-arms factory, and instructed afterwards to interest himself in preparing for the construction of the destroyers that are now arriving. Captain Creswell and one or two other officers were also in England at various times. Although we did the preliminary work, the money was locked up until my honourable friends opposite were in a position to convert our plans into actual vessels. After some difficulties as to the construction and inspection, which seem to have been overcome, these vessels were able to take to the sea. Happily, they are now in our own waters.

Defence is a question that should never be made one of party consideration. The whole of Australia rejoices at the arrival of our destroyers, and anticipates the addition of others, according to the plan settled by Colonel Foxton with the Admiralty last year. Every one realizes that defence must be provided for on the water as well as on land, if the Commonwealth is to be retained for the flag.

Speaking generally, I hope that Ministers will not forget to impress upon their colleagues at the Conference that Australia, in spite of herself, is being forced into a foreign policy of her own because foreign interests and risks surround us on every side. A Pacific policy we must have. It cost us a long fight to obtain the very unsatisfactory share in the control of the New Hebrides which we now have. That may ripen into something better. Our first steps in Papua, commenced long ago, were frustrated and partly defeated by official neglect on the other side of the world. Malaysia denotes an enormous, prosperous, fertile, and productive region in the hands of civilized powers, and capable of being transferred from one to another, with consequences which may be of the utmost moment to us.

Mr. ARCHIBALD.—Why not have a representative of the British Government in Australia?

Mr. DEAKIN.—That proposal may be worthy of consideration and offers a tempting bait, which I must not take, because I do not wish to deprive others of an opportunity of discussing these matters. We are not seeking foreign politics, and I wish that we had no occasion to give a thought to them.

Mr. WEST.—We should confine ourselves to our own business.

Mr. DEAKIN.—Exactly; but we dare not shut our eyes and ears. They affect our business more and more. We must be observant, like every other nation, providing buffers to prevent shocks, and placing intervals between us and danger centres. Despatches sent from Australia are necessarily ineffectual at times, when they go to a Foreign Secretary, dealing every day with diplomatic communications affecting the welfare, not of tens of thousands, but of tens of millions. When a despatch comes from Australia, relating, perhaps, to almost uninhabited islands, separated by thousands of miles of sea from centres of white population, it must seem that it cannot possess the same urgency as one affecting interests in Europe or Asia. To-day, so far as armaments and trade are concerned, the world is one. All oceans are united, and all peoples brought close together, unfortunately under conditions of rivalry, and often of mutual suspicion. Let Ministers impress upon the Foreign Office in London that there are Pacific problems in which the Australian interest is inexpressible; which, though they may not be made the subject of public debate, should be perpetually and consistently considered, particularly by the Naval and Military authorities, and those charged with the foreign affairs of the Empire.

I have dealt with the need for equality of status; I have mentioned, casually, the need for a new department for the affairs of the self-governing communities, and for continuity from Conference to Conference, so that the Dominions and the Mother Country may be kept in touch on all matters affecting them by correspondence, public and confidential, having at their service in London a Department or Imperial Secretariat devoted to this particular purpose, in which there shall be Australian officers to represent Australia, and other officers to represent the other Dominions. This should be maintained at our own cost, under the Prime Minister, so far as it is necessary to be under any British Minister, not tied to any Department, but following out the directions and executing the projects of the oversea Dominions, providing us with the necessary departmental action and communication

with any other portions of the Empire, or other nations that may be affected. That was the ideal of 1907. It ought to be given effect to in 1911.

I hope to see my honourable friends come back crowned with laurels, and able to add fresh laurels to them in Australia for having assisted in this development of our power and sphere of influence, our authority, and our right to be heard on all questions directly affecting Australia. We are entitled to claim this now that we are assuming the responsibilities of our position, not simply asking the Mother Country as hitherto to bear the responsibility. We are stepping into the arena, assuming our own share of her responsibilities, and, therefore, fully entitled to the consideration of our views. Ministers have before them an immense opportunity.

I mention with much disappointment that I notice no express allusion to the development of preferential trade between the Dominions, and, so far as possible, with the Mother Country also. This project ought to be susceptible of further development, and certainly of greater encouragement, on this occasion, than on the last.

Then, one of the minor, but practical, results of the meeting of the Conference was the obtaining of our own silver coinage, with the resulting profit of £150,000 this year, to increase as we proceed. It does not look very much, but it will provide this year the cost, not only of all the Conferences yet held, but of all that we shall hold for the next twenty years, and for the Imperial Secretariat too. It is high time we were taking into account the advantages which we can obtain by closer relations within the Empire in regard to our laws and other matters of business concern. One of the best investments that this country can make is in multiplying relations of this kind.

Again, it is only by this means that we can obtain the authority which is our due. I am not speaking so much from the point of view of present population as with regard to our future potentialities of progress and development. Australia is to be thought of, not as a country with a population of four or five millions, but as a country of potentially forty or fifty million inhabitants, who then will be able to account for themselves. If we are to realize those possibilities, it must be by consulting with our brethren in New Zealand, South Africa, and Canada, joining together, so that the Mother Country may be better advised of what her children overseas are doing, wishing, and aiming at, and the policy of the whole Empire guided by a sufficient recognition of the due claims of each and every part.

We are proud of our Imperial citizenship. The Empire includes peoples who belong to none of the four races of the British Isles, and with every generation it includes those who, though sprung from those races, living upon local soils, possess a local patriotism of their own. Our debt and our promise is to be, and can be, recognised. We of the British race, sharing its authority, its influence, and its power, receive to-day greater liberties than any other people enjoy, and are still steadily enlarging and enriching them. It is for us to create a consciousness and a force of Union, so that all our peoples meeting at the mother's hearth may feel themselves as much associated with her Empire as they are themselves, joining each other in the task of developing those portions of the earth remitted to our care. These are the issues which make this Conference with the outer Dominions what it ought to be—the voice of the Empire. You may say the Mother Country needs no buttressing from us. That is a mistake. It does need it, and never more than to-day—more year by year. But, while the race remains one within itself, under its ideals of free government and progress, it will also retain our fellow citizens with other ancestries by ties apart from the ties of blood. It is the British brood which is the British Empire. On it the Empire was built, which is now uniting to itself peoples originally hostile, who will make citizens as loyal and valuable as any of ourselves. To this task of amity in brotherhood these Conferences, more than any other agency we yet possess, may contribute enormously; and let me wish the Government success, and trust that the whole Parliament will lend them every support when we welcome them back after making another and long stride towards that complete unity of all our peoples, one in feeling, and one in political principle, establishing the Empire as an increasing power for civilization and peace.

Sir WILLIAM LYNE (Hume).—We have listened to a very interesting address from the Leader of the Opposition. If there is one subject more than another on which he is entitled to speak it is this. I was with him in Great Britain, and it was then manifest to every one no one could possibly uphold our position better or more brilliantly than he did. The subjects to which he has referred are familiar to me, because a great many of them were dealt with at the Conference at which we were

present. I was glad to hear him refer specifically to the question of the Secretariat. I regard that as a great necessity if we are to have continuity in connexion with the Imperial Conferences that are held every three or four years. Without it, and without information being obtained for the various Governments, very little is ready at the time the delegates go to Great Britain to meet the public men of the Empire, and they find themselves to a great extent unacquainted with the subjects that have to be discussed. Before I went to England with the honourable member for Ballarat, I had but little knowledge of the work that had to be done, but the knowledge that I obtained while with him in England extended my ideas very materially. I recognised more than I had ever done before that the statesmen of Great Britain are dealing with an Empire, whilst we are dealing with one of its parts, although a main part. I therefore think that they should have more knowledge than they have now of the requirements of the Empire at large. The matter of dealing with the oversea Dominions should not be left in the hands of those men in England who are administering the Crown Colonies, which are dealt with in a way that the self-governing parts of the Empire would not like or permit. It is necessary that the Secretariat should be kept entirely distinct from the present Colonial administration of England. I feel that the sum of money required to give a number of the public men of Australia and the public men of other parts of the world an opportunity to intermingle and exchange ideas is trifling in comparison with the great advantages to be derived. As the Acting Prime Minister said to-day, it is very much better to spend a small sum of money on such meetings than to meet one another with troops in a hostile way. Nothing will more quickly bring about friendly relations between nations than the intermingling of their public men, and, further than that, the intermingling of the men of Great Britain with the public men of the various parts of the Empire will bring about a state of mutual knowledge and respect that must be for good, and cannot be for evil. I approach the discussion of the questions for submission to the Imperial Conference with some degree of hesitation and timidity. I listened to the remarks of the Leader of the Opposition with reference to the appointment of a Court of Appeal for the whole Empire. I do not know how that can be brought about, because, as long as I can remember, great dissatisfaction has always been felt at the action in many respects of the Privy Council. That has been because the Privy Council is composed of men who do not know the requirements of the oversea Dominions of the Empire. Unless such a Court as the honourable member suggests is composed of men taken from the Benches of the various parts of the Empire, having a knowledge of the wants of the countries they represent, it cannot give decisions that will be as satisfactory to us as the decisions that are given by our own High Court. In a matter of that kind we have first to do what is best for ourselves, but I quite admit the force of the contention that there should be some kind of Court on which Australia, Canada, South Africa, and New Zealand are represented, and which would be empowered to give decisions on all matters affecting the Dominions. I do not agree with all that the honourable member for Ballarat has said, but I go with him to the extent that I have indicated. A growing Empire, like that of Great Britain, is an influence for peace or for war, but mainly for peace. It is so extensive and scattered that it is impossible to say exactly how or where we may be attacked. We are differently situated from any other nation. We are not concentrated in one part of the world, but have to be prepared to defend ourselves at all points of the compass. It is therefore necessary that every self-governing Dominion should establish, as far as it can, its own defence, as we are establishing ours now. Local defence of that character will be of great and practical assistance if ever the Empire is attacked. I must congratulate the Government on developing that policy. I say "developing" because it is necessary to remind the House that the Leader of the Opposition had it in his mind a long time ago to have a local naval force. I think he intended to propose the obtaining of three or four ships, but it has been reserved for the present Government to develop the idea and put it into practical effect. The vessels that have just reached Fremantle are the first instalment of what will prove, with the naval power of Great Britain behind us, an effective defence for Australia. When it is known that we have established a Navy of our own; that we have reorganized our forces and are taking other steps to place our defences on a sound footing, our enemies will be disposed to take advice before they attack us. There can be no doubt that if we were to allow this great empty continent to remain as it is and to take no reasonable precautions for its defence we might be called upon at any time to fight, and fight hard, for its possession. I think, therefore, that the Ministry are to be commended, despite what is said

by their detractors—and they have many—for their vigorous action in proceeding to provide the nucleus of a navy for Australia.

* * * * *

The only other question to which I desire to refer relates to the forthcoming Imperial Conference. I think that special reference should be made at that Conference to the Suez Canal dues, in which we are particularly interested. Great Britain holds a monopoly of the shares, and a very high percentage is paid upon them. I am informed that some Governments do not allow the vessels of their country to pay these dues, but bear the cost themselves. Such a system would make our intercourse with Great Britain cheaper than it is at present, and I hope that the point will not be lost sight of at the Conference. That assembly of representatives of the Dominions of the Empire is a very august body, and it is disposed to deal only in the most tentative way with most of the matters which come before it. The present Leader of the Opposition fought hard for the Dominion Secretariat, and had to contend with the opposition of all the officials. Their desire was to remain in the old groove, and they did not wish to see established a distinct Department to deal with the oversea Dominions. I hope, however, that that scheme will be brought to a head at the forthcoming meeting. I was under the impression that it had been actually carried out, and that the position was better than it appears to be. There can be no doubt that that special Department should have forwarded by this time details of all the matters to be submitted to the Conference. If Ministers knew before they left Australia what were the questions to be discussed, they would be able to go to the Conference armed with papers and other documents which would fit them to deal thoroughly with the matters to be submitted, and to cast an intelligent vote upon them. I shall not detain the Committee longer, as this is the last day of the session, but I felt constrained to deal with these questions, and especially to refer to the action of the Leader of the Opposition, who, I think, will always be remembered for the part that he played in the last Imperial Conference.

Mr. GLYNN (Angas).—The Acting Prime Minister mentioned among other matters to be discussed at the Imperial Conference, the questions of naturalization, the Declaration of London, and certain matters of appeal, on which I desire only to make one or two observations. The Declaration of London was submitted for the consideration of the late Government. I am not quite sure that a final decision was arrived at, but, as Attorney-General, I collaborated with Mr. Garran, and we drew up a memorandum on what, probably, would be the effect on Australia of the resolutions come to in 1908 at the Conference in London. The chief point that affected us was the right of merchant vessels to change their character and become ships of war within a certain time of or during hostilities. Our seas now are practically clear of British men-of-war. I think it was mentioned at the time that there was scarcely a British cruiser between Vancouver and Cape Horn, or Cape Horn and the West Indies—that there was not a single British battleship in the Pacific within the region of Australian influence. It is a vital matter that the views of Germany and Austria in regard to the conversion of merchant vessels into vessels of war should at least be considered from the Australian point of view before a final decision is arrived at. The Attorney-General implied that we had been ignored on the point; but on re-consideration he will find, I think, that there was a memorandum sent in reply to a communication from the Imperial Government with a view to having the opinions of Australia to some extent considered. The question of naturalization is also important, and I was glad to see, about ten days ago, a cable to the effect that a memorandum had been sent to the Imperial Government suggesting a method for attaining uniformity throughout the Empire. That suggestion is likely to be adopted, or, at all events, favourably considered, by the Imperial Government; and the question is whether and on what lines an Imperial Act could be passed that would not affect local autonomy. Occasionally the Imperial Government does not attach sufficient importance to the Colonial view in this matter. We cannot allow equal rights to natural-born and naturalized subjects, because the colour question affects us. It is on these points that, doubtless, the representatives of Australia, with their knowledge of local conditions, will have to press to some extent the Australian view. As regards some of the propositions, it would be as well to consider the views of the nations concerned in some of the international adjustments to be discussed. I recommend the Attorney-General to take into account, in connexion with the Declaration of London, the view of Germany, as published in a letter written to the English press by Professor Brentano, of Bavaria, within the

last two or three months. There is, we are told, the possibility of some Anglo-German agreement; and the views held by Professor Brentano and others on the policy of Germany in adding to her fleet are considered. It is pointed out that about 50 per cent. of the people of Germany depend on commerce and trade as compared with a very small porportion thirty or forty years ago; and the questions at issue in 1908, which led to the Declaration of London, affect the question of the increase of the German fleet. There is, for instance, the right of destruction of an enemy's goods at sea, and the extension of contraband and other technical matters, which the Declaration of London is supposed to refer to some extent to the proposed international naval tribunal. It is only right that our representatives should, as far as possible, inform themselves of the point of view of friendly nations in these matters, so that whatever resolution is come to shall be in the light of all the circumstances. In regard to the Appeal Court, a memorandum has been sent to the Imperial Government in reply to a communication to the self-governing Colonies on the question of uniformity. The chief matter dealt with was the uniformity of method of approaching the Imperial tribunal, rather than the unification of the two appellate tribunals, the House of Lords and the Privy Council. In that memorandum the Australian conditions are shown not to be quite identical with those of the other parts of the Empire, owing to the existence of our High Court. I shall not refer to these proposals further; but I thought it advisable to direct attention to what was presented, at all events, to the late Government for consideration.

36344

No. 35.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 28 November, 1910.)

[Answered by No. 44.]

(No. 135.)

Government House, St. John's, 16th November, 1910.

[Published as No. 1 in [Cd. 5513] February, 1911].

36382

No. 36.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 a.m., 28 November, 1910.)

TELEGRAM.

Your telegram of 21 November.* Prime Minister informs me that date suggested for opening Imperial Conference next year, namely, 22 May, is acceptable to Government of Commonwealth of Australia.—DUDLEY.

36383

No. 37.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.40 a.m., 28 November, 1910.)

TELEGRAM.

My telegram of 10th October.† My Prime Minister does not propose to deal with resolutions Nos. 11 and 18 at Imperial Conference.—ISLINGTON.

* No. 32.

† No. 17.

36486

No. 38.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8.40 a.m., 29th November, 1910.)

TELEGRAM.

[Published in form corrected by Governor's despatch, received on 7th January, 1911, as No. 2 in [Cd. 5513], February, 1911.]

36383

No. 39.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND SOUTH AFRICA AND THE GOVERNOR OF NEWFOUNDLAND.

(Sent 2.40 p.m., 29th November, 1910.)

TELEGRAM.

My despatch, 11th November.* Prime Minister of New Zealand states that he does not propose to discuss Nos. 11 and 18 of proposed agenda at Imperial Conference.—HARCOURT.

36486

No. 40.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. No. 839.)

(South Africa. No. 329.)

(Australia. No. 467.)

(Newfoundland. No. 212.)

MY LORD,

Downing Street, 1 December, 1910.

SIR,

In continuation of my despatch, No. [834] [427] [285] [199], of the 11th of November,* I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, copies of a telegram† from the Governor of New Zealand conveying the text of the resolutions which his Government desire to bring forward at the Imperial Conference of 1911.

I have, &c.,
L. HARCOURT.

37380

No. 41.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8 p.m., 5th December, 1910.)

TELEGRAM.

5th December. Your telegram of 21st November.‡ Date proposed for opening Imperial Conference will be convenient to Union representatives.—GLADSTONE.

* No. 28.

† No. 2 in [Cd. 5513].

‡ No. 32.

38046

No. 42.

GENERAL POST OFFICE to COLONIAL OFFICE.

[Answered by No. 47.]

SIR, General Post Office, London, 12 December, 1910.
 WITH reference to your further letters of the 6th instant, Nos. 34793/10 and 36514/10,* relative to the discussion at the next Imperial Conference of matters affecting this Office, I am directed by the Postmaster-General to acquaint you, for the information of the Secretary of State for the Colonies, that memoranda will shortly be sent to you on the subject of universal penny postage and on that of a State-owned cable across the Atlantic and State-owned land lines across Canada, in regard to which the New Zealand Government proposes to bring forward resolutions.

2. The question of an Imperial system of wireless telegraphy, raised by the Marconi Company, is, as the Secretary of State is aware, under the consideration of the Post Office. Mr. Samuel hopes that he will before long be in a position to formulate a scheme under which this new means of inter-colonial communication will come into the direct ownership of the Dominions and Colonies concerned; and he thinks that, as it will not be possible to obtain complete agreement on the subject before the Conference assembles, it will probably be advisable to refer the scheme to the Conference for discussion with regard to the general question and also with regard to the responsibilities for, and methods of, installing and working the radio-telegraphic stations.

3. The question of the "All Red Route," which was the subject of discussion at the last Conference, will certainly be brought forward again, and the Secretary of State is doubtless in possession of the views already expressed by His Majesty's Government on the subject.

4. The Secretary of State may think it worth while to suggest to the Conference a proposal for a uniform set of designs for postage stamps applicable to the whole of the Empire. The names of the different possessions, with, perhaps, a variation in some particular part of the design would, the Postmaster-General thinks, suffice to prevent confusion between the different stamps.

5. Other subjects which may be raised at the Conference are the extension of the magazine post to British Dependencies other than Canada and Newfoundland, and the recognition in the United Kingdom of the postal orders issued by the Commonwealth of Australia and the Dominions of Canada and New Zealand.

6. Memoranda are being prepared on these various subjects in addition to the two mentioned in the first paragraph of this letter, and they will be sent to you, for the information of the Secretary of State, as soon as they are ready.

I am, &c.,
 MATTHEW NATHAN.

36344

No. 43.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 922.)
 (Australia. No. 486.)

(South Africa. No. 352.)
 (New Zealand. No. 290.)

MY LORD,

Downing Street, 15 December, 1910.
 WITH reference to my despatch, No. [834] [427] [285] [263], of the 11th November,† I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, the accompanying printed copy of a despatch§ from the Governor of Newfoundland covering copy of a resolution on the subject of a subsidized steamer service between Great Britain and Canada via Newfoundland, which

Nos. 267 and 255. † See Enclosures in Nos. 256 and 271. ‡ No. 28. § No. 1 in [Cd. 5513].

has been prepared by his Ministers for discussion at the forthcoming Imperial Conference.

I have, &c.,
 L. HARCOURT.

36344

No. 44.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 222.)

SIR,

Downing Street, 15 December, 1910.

I HAVE the honour to acknowledge the receipt of your despatch, No. 135, of the 16th of November,* forwarding a copy of a resolution on the subject of a subsidised steamer service between Great Britain and Canada via Newfoundland, which has been prepared by your Ministers for discussion at the forthcoming Imperial Conference.

In reply to the last paragraph of your despatch I have to refer to my despatch No. 212, of the 1st of December,† forwarding copies of the resolutions proposed to be submitted to the Conference by the Government of New Zealand. No other resolutions have been so far submitted by the Governments of the Dominions.

I have, &c.,
 L. HARCOURT.

38870

No. 45.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 3.5 p.m., 19th December, 1910.)

TELEGRAM.

[Published as No. 3 in [Cd. 5513], February, 1911.]

38870

No. 46.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND SOUTH AFRICA.

(Sent 3.5 p.m., 19th December, 1910.)

TELEGRAM.

Referring to my telegram of even date,‡ it would be most convenient if your Ministers could furnish me at earliest possible date with any subjects to be proposed for discussion at Imperial Conference. I desire, if possible, to obtain memoranda as to such subjects in sufficient time for them to be communicated to your Ministers for their consideration before they leave for the Conference. It is also desirable that provisional scheme of agenda should be prepared as soon as practicable.—HARCOURT.

38046

No. 47.

COLONIAL OFFICE to GENERAL POST OFFICE.

SIR,

Downing Street, 23 December, 1910.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 12th December§ on the subject of the discussion at the Imperial Conference of 1911 of matters affecting the General Post Office.

* No. 1 in [Cd. 5513].

† No. 40.

‡ No. 3 in [Cd. 5513].

§ No. 42.

2. Mr. Harcourt observes from the 6th paragraph of your letter that memoranda are being prepared on the several subjects mentioned therein, and that they will be sent, when ready, for the information of the Secretary of State. It would, however, be very convenient if the memoranda could be supplied in such a form as would be suitable for communication to the Governments of the Dominions in anticipation of the Conference, any remarks which it would not be desirable to send to the Dominions being forwarded separately. Mr. Harcourt would also be glad if the memoranda could be supplied not later than the beginning of March, as it is advisable that they should, if possible, be in the hands of the Prime Ministers some time before they leave for the Conference.

3. I am to add that it will be convenient if each of the subjects in question could be dealt with in a separate letter.

I am, &c.,
C. P. LUCAS.

39472

No. 48.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.20 p.m., 24th December, 1910.)

TELEGRAM.

[Published as No. 4 in [Cd. 5513], February, 1911.]

39885

No. 49.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 5.23 p.m., 29th December, 1910.)

TELEGRAM.

Your telegram 19th December,* in relation to Imperial Conference. My
Ministers agree to suggestions made for arrangement of agenda.—WILLIAMS.

39472

No. 50.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 958.)
(South Africa. No. 370.)

(New Zealand. No. 300.)
(Newfoundland. No. 228.)

My LORD,
Sir,

Downing Street, 29 December, 1910.

[With reference to my despatch [No. 889] [No. 329] [No. 212], of the 1st of December†] [To New Zealand: With reference to your telegram of the 29th of November‡], I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, a copy of a telegram§ from the Governor-General of the Commonwealth of Australia giving the text of resolutions proposed to be submitted to the Imperial Conference of 1911 on behalf of the Government of the Commonwealth.

I have, &c.,
L. HARCOURT.

484

No. 51.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.40 a.m., 6th January, 1911.)

TELEGRAM.

Your telegram 21st November.* Proposal to hold Imperial Conference beginning May 22nd satisfactory to Prime Minister.—ISLINGTON.

820

No. 52.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.20 a.m., 9 January, 1911.)

TELEGRAM.

[Published as No. 5 in [Cd. 5513], February, 1911.]

820

No. 53.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 28.)
(South Africa. No. 23.)

(New Zealand. No. 11.)
(Newfoundland. No. 5.)

My LORD,
Sir,

Downing Street, 16 January, 1911.

With reference to my despatch [No. 958] [No. 370] [No. 300] [No. 228], of the 29th of December,† I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copy of a telegram‡ from the Governor-General of the Commonwealth of Australia stating that the Government of the Commonwealth desire to discuss at the Imperial Conference the question of co-operation and mutual relations between the naval and military forces of the United Kingdom and those of the Dominions, and the status of Dominion navies.

I have, &c.,
L. HARCOURT.

2105

No. 54.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8 p.m., 20th January, 1911.)

TELEGRAM.

[Published as No. 7 in [Cd. 5513], February, 1911.]

* No. 3 in [Cd. 5513].

† No. 49.

‡ No. 2 in [Cd. 5513].

§ No. 4 in [Cd. 5513].

* No. 31.

† No. 50.

‡ No. 5 in [Cd. 5513].

38870

No. 55.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 38.) (New Zealand. No. 17.)
(Australia. No. 25.) (Newfoundland. No. 8.)
(South Africa. No. 30.)

Downing Street, 20 January, 1911.

[Published, with the exception of the part in **■**, as No. 6 in [Cd. 5513],
February, 1911.]

2. As at present advised His Majesty's Government propose to suggest for discussion at the Conference the following subjects:—

The position of British Indians in the Dominions;
Labour Exchanges in relation to the Dominions;
Uniform design for stamps;

Extension of the magazine postal arrangements with Canada and Newfoundland;

Recognition in the United Kingdom of Canadian, Australian, and New Zealand Postal Orders;†

The arrangements for expulsion of undesirable aliens.

2105

No. 56.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 37.) (New Zealand. No. 20.)
(Canada. No. 43.) (Newfoundland. No. 11.)

MY LORD.
SIR,

Downing Street, 21 January, 1911.

WITH reference to my despatch [No. 25 of the 20th of January*], [No. (28), (11), (5), of the 16th of January†], I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copy of a telegram‡ from the Governor-General of the Union of South Africa giving a list of the subjects proposed for discussion at the Imperial Conference of 1911 by the Government of the Union.

I have, &c.,
L. HARCOURT.

2560

No. 57.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 7.25 a.m., 26 January, 1911.)

TELEGRAM.

My Ministers agree to proposals contained in your telegram of 19th December§ with reference to Agenda, Imperial Conference.—ISLINGTON.

* No. 6 in [Cd. 5513]. † No. 53. ‡ No. 7 in [Cd. 5513]. § No. 3 in [Cd. 5513].

2948

No. 58.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 30 January, 1911.)

(No. 23.)

Government House, Ottawa, 16 January, 1911.

[Published as No. 8 in [Cd. 5513], February, 1911.]

2948

No. 59.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 71.)

Downing Street, 3 February, 1911.

MY LORD,

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 23, of the 16th of January,* on the subject of the agenda for the Imperial Conference of May next.

2. You will have learned from my despatch, No. 38, of the 20th January,† that the subject of naturalisation is already on the agenda for discussion at the Conference.

I have, &c.,
L. HARCOURT.

2948

No. 60.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 59.) (New Zealand. No. 32.)
(South Africa. No. 54.) (Newfoundland. No. 15.)

MY LORD.
SIR,

Downing Street, 3 February, 1911.

WITH reference to my despatch [No. (37), (20) of the 21st of January‡] [Your Excellency's telegram of the 20th of January§] [No. 11 of the 21st of January¶], I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copy of a despatch* from the Governor-General of the Dominion of Canada on the subject of the agenda for the Imperial Conference.

I have, &c.,
L. HARCOURT.

38870

No. 61.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL OF AUSTRALIA AND THE GOVERNOR OF NEW ZEALAND.

(Sent 4 p.m., 4th February, 1911.)

TELEGRAM.

[Published, with the exception of the part in **■**, as No. 9 in [Cd. 5513],
February, 1911.]

Despatch also includes subjects which His Majesty's Government, as at present advised, propose for discussion, namely:—

- (1) Position of British Indians in the Dominions;
- (2) Labour Exchanges in relation to the Dominions;

* No. 8 in [Cd. 5513]. † No. 6 in [Cd. 5513]. ‡ No. 56. § No. 7 in [Cd. 5513].

- (3) Uniform design for stamps in the Empire;
 (4) Extension of arrangements with Canada and Newfoundland for magazine postage;
 (5) Recognition in the United Kingdom of Canadian, Australian, and New Zealand postal orders;
 (6) Arrangements for expulsion of undesirable aliens.

3934

No. 62.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 7 February, 1911.)

[Answered by No. 64.]

SIR, General Post Office, London, 7 February, 1911.
 WITH reference to your letter of the 3rd instant, No. 38870/1910,* in which you forwarded a print of a despatch† addressed by the Secretary of State for the Colonies to the Dominion Governments relative to the subjects suggested for discussion at the forthcoming Imperial Conference, I am directed by the Postmaster-General to observe that my letter of the 12th of December last‡ was not intended to suggest that the Conference should be invited to discuss either an extension of the magazine post or the recognition here of the postal orders of Canada, Australia, and New Zealand. The difficulties which present themselves in relation to both of these subjects being considerable, the Postmaster-General would not wish to invite discussion concerning them, but they were mentioned as matters which the representatives of the Dominions interested might be expected to bring forward for discussion.

In the circumstances, the Postmaster-General would be obliged if Mr. Secretary Harcourt could see his way to telegraph to the Governors-General concerned requesting them to erase these subjects from the despatch.

I am, &c.,
 MATTHEW NATHAN.

3934

No. 63.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF AUSTRALIA, CANADA, AND SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 12.40 p.m., 9 February, 1911.)

TELEGRAM.

My despatch 20 January,† Agenda of Imperial Conference [to Australia and New Zealand only; and my telegram 4 February§] should be corrected by excision from subjects proposed by His Majesty's Government of (1) extension of arrangements with Canada and Newfoundland for magazine postage, and (2) recognition in the United Kingdom of Canadian, Australian, and New Zealand postal orders.—HARCOURT.

3934

No. 64.

COLONIAL OFFICE to GENERAL POST OFFICE.

SIR, Downing Street, 9 February, 1911.
 I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 7th instant,|| and to state that the Governments of the Dominions have

* 38870: not printed (it transmitted copy of No. 6 in [Cd. 5513]).
 † No. 42.

‡ No. 9 in [Cd. 5513].

§ No. 6 in [Cd. 5513].
 || No. 62.

been requested by telegraph to excise the two subjects mentioned from the list of subjects proposed by His Majesty's Government for discussion at the Imperial Conference.

I am, &c.,
 H. W. JUST.

4312

No. 65.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.40 a.m., 10 February, 1911.)

TELEGRAM.

[Published as No. 10 in [Cd. 5513], February, 1911.]

38870

No. 66.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA AND AUSTRALIA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 12.20 p.m., 11 February, 1911.)

TELEGRAM.

[Published as No. 11 in [Cd. 5513], February, 1911.]

4442

No. 67.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11 February, 1911.)

(No. 44.)

Government House, Cape Town, 24th January, 1911.

[Published as No. 12 in [Cd. 5513], February, 1911.]

4312

No. 68.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.40 p.m., 13th February, 1911.)

TELEGRAM.

Your telegram, 9th February.* Fourth resolution is being excised from list of resolutions of Union of South Africa, and 5 and 6 are being renumbered 4 and 5. I have assumed that your Ministers wish publication of resolutions to take this form. Papers are to be issued this week.

Statement of your Prime Minister is noted.—HARCOURT.

* No. 10 in [Cd. 5513], February, 1911.

4807

No. 69.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.25 p.m., 14th February, 1911.)

TELEGRAM.

[Answered by No. 70.]

Referring to your telegrams of 20th January and 9th February,* withdrawal of Resolution 4 has got into press. In these circumstances it will be necessary to publish both telegrams in full; presume that your Ministers have no objection. Question on subject in House of Commons to-morrow.—HARCOURT.

4981

No. 70.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.30 a.m., 15th February, 1911.)

TELEGRAM.

[Answered by No. 71.]

(Paraphrase.)

14th February, Confidential. Your telegram of 14th February,† Imperial Conference. Ministers do not object to publication of my telegrams of 20th January and 9th February* if absolutely necessary, but they would prefer statement to the effect that subject matter of Resolution 4 was meant for discussion with Imperial Government in connection with Defence question rather than for the Conference.—GLADSTONE.

4981

No. 71.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.30 p.m., 15th February, 1911.)

TELEGRAM.

(Paraphrase.)

Your telegram 14th February,‡ Imperial Conference. Please thank Ministers for prompt reply and inform them that I felt it absolutely necessary to say to-day that full text of Resolutions and telegram of withdrawal will be published in papers to be issued 17th February.—HARCOURT.

36510

No. 72.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 128.)

(New Zealand. No. 68.)

(Australia. No. 93.)

(Newfoundland. No. 33.)

(South Africa. No. 100.)

MY LORD,

Downing Street, 24 February, 1911.

SIR,

With reference to my despatch [No. 38] [No. 25] [No. 30] [No. 17] [No. 8], of the 20th of January,§ forwarding the agenda for the Imperial Conference, I have

* Nos. 7 and 10 in [Cd. 5513] † No. 69. ‡ No. 70. § No. 6 in [Cd. 5513].

the honour to transmit to [Your Excellency] [you], for the information of your Ministers, six copies of a memorandum which has been prepared in this Department dealing with the proposal of the Government of New Zealand that the Conference should be open to the public Press except as regards confidential subjects.

I have, &c.,

L. HARCOURT.

Enclosure in No. 72.

MEMORANDUM.

The following resolution is proposed to be submitted to the Imperial Conference by the Government of New Zealand:—

"That the Conference be open to the Press, except when the subjects are Confidential."

The precedents in recent years in the matter of publication are as follows:—

- (a) In the case of the Colonial Conference of 1902 (and the Defence Conference of 1909) there were published only resolutions or results and a selection of speeches and memoranda, the actual proceedings being kept confidential.
- (b) In the case of the Colonial Conference of 1907 it was arranged at the beginning of the Conference that a *précis* of the proceedings should be issued daily to the Press, after revision by members of the matter which concerned them. The question of publication was deferred nearly to the end of the Conference, and it was then decided to publish the full text of the proceedings and the papers laid before the Conference except in so far as they were held by the Conference to be confidential.

There is no precedent for the admission of the Press to the meetings of the Conference.

In 1907 Mr. Deakin ([Cd. 3523], pp. 19-20) expressed the view that it was advisable to keep the public in close touch with the Conference, and that the Press might safely be admitted to most of the discussions. This course did not, however, commend itself to the Conference. It was stated by Sir Wilfrid Laurier ([Cd. 3523], page 19) that if the proceedings were published from day to day "there might perhaps arise a premature discussion on certain matters." Lord Elgin also stated ([Cd. 3523], page 19) that "it would be inexpedient to publish day by day. After all, this must partake largely of the character of a confidential discussion across the table. . . . the ordinary course of the procedure will be surely confidential and conversational discussion across this table, and therefore I think it is essential that each member of the Conference should have not only an opportunity of seeing but of revising the report of what he has said."

On the other hand, some members of the Conference, notably Sir Wilfrid Laurier and Sir Joseph Ward, expressed the view that course (a) above stated would not be satisfactory, on the ground that the information published in accordance with it was very meagre and of little use in informing the public.

The result of the discussion was the unanimous adoption of course (b), which was judged to have the advantage of keeping the public acquainted with the Conference as it proceeded, and at the same time of eventually affording opportunities for full acquaintance with the proceedings of the Conference, so far as this was possible without risk to the interests of the State.

It has been pointed out in the despatch of the Secretary of State of 20th January, relating to the agenda of the Conference, that this question will require to be settled by the Conference at its first meeting.

Colonial Office,

16 February, 1911.

5296

No. 73.

COLONIAL OFFICE to INDIA OFFICE

[Answered by No. 75.]

SIR, Downing Street, 28 February, 1911.
I AM directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Secretary of State for India, copies of the recent question and answer by the Prime Minister in the House of Commons on the subject of the representation of India at the Imperial Conference.

The arrangement made in 1907 is dealt with in your letter of the 14th of March, 1907,* and previous correspondence. The future constitution of the Conference was, however, fixed by the first resolution of the Conference of 1907 ([Cd. 3523], page v), and it appears to follow from that resolution that on this occasion India should be represented by the Secretary of State.

I am, &c.,
H. W. JUST.

Enclosure in No. 73.

House of Commons, Wednesday, 22 February, 1911.

SIR HERBERT ROBERTS asked the Prime Minister whether, in view of the direct interest of India in the subjects to be discussed at the forthcoming Imperial Conference, any representatives have been, or will be, appointed to attend the Conference on behalf of the Government of India.

THE PRIME MINISTER, in reply, said: "The matter is under consideration."

7166

No. 74.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4 March, 1911.)

(No. 113.)

SIR, Government House, Cape Town, 13th February, 1911.
WITH reference to my telegram of the 9th February,† I have the honour to transmit to you, for your information, a copy of the minute in which my Ministers notify their decision to withdraw draft Resolution No. 4, which they had previously proposed for discussion at the forthcoming Imperial Conference.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 74.

MINISTERS to GOVERNOR-GENERAL.

(Minute No. 143.)

Prime Minister's Office, Cape Town, 9 February, 1911.

With reference to Ministers' minute, No. 68, Ministers have the honour to inform His Excellency that, upon reconsideration, they have decided to withdraw the draft resolution, No. 4, which they proposed for discussion at the forthcoming Imperial Conference, and that they respectfully request His Excellency to despatch a cablegram to that effect to the Right Honourable the Secretary of State for the Colonies as soon as possible.

Ministers have the honour to further inform His Excellency that the Right Honourable the Prime Minister hopes to have an opportunity during his stay in London to discuss the question raised in the draft resolution No. 4, which has now been withdrawn, with His Majesty's Government.

LOUIS BOTHA.

* 9417/07: not printed.

† No. 10 in [Cd. 5513].

9279

No. 75.

INDIA OFFICE to COLONIAL OFFICE.

(Received 21 March, 1911.)

[Answered by No. 76.]

SIR, India Office, Whitehall, S.W., 21st March, 1911.
WITH reference to the Colonial Office letter of 28th February, 1911, No. 5296,* I am directed by the Secretary of State for India in Council to say that Viscount Morley proposes to attend the Imperial Conference himself, and to invite some other representative of India to attend according to the nature of the subject under discussion.

I have, &c.,
ED. S. MONTAGU

9279

No. 76

COLONIAL OFFICE to INDIA OFFICE.

SIR, Downing Street, 3 April, 1911.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 21st March† on the subject of the representation of India at the Imperial Conference.

2. Mr. Harcourt observes that Viscount Morley proposes to attend the Conference himself, and to invite some other representative of India to attend according to the nature of the subject discussed. At the Conference of 1907 Sir James Mackay attended on behalf of the Secretary of State for India and took part in the proceedings of the Conference. The position has, however, been modified by the first resolution of the Colonial Conference of 1907, from which it will be seen that the Government of India must be represented by a Minister only. It will follow that any representative of India, other than a Minister, who may accompany Lord Morley can only attend as an expert adviser and cannot take part in the discussions of the Conference.

I am, &c.,
H. W. JUST.

15075

No. 77.

CANADA.

HOUSE OF COMMONS DEBATES.

THURSDAY, APRIL 20, 1911.

IMPERIAL CONFERENCE.

HON. GEO. E. FOSTER (North Toronto): Mr. Speaker, about a year and a little more ago I asked the attention of the House for a short time to the matter of the secretariat of the Imperial Conference, tracing up the history of the Imperial Conference from its commencement in 1887 until the year 1907, or a little later, and showing, as I did in tracing up that history, the gradual widening and development of the old Intercolonial Conference in its progress, the larger importance which it gradually assumed, and the greater influence it exercised on the affairs of the Empire. I do not make any apology to-day for asking the attention of the House to some matters in connection therewith with the view of bringing the history up to the present time. As I did on the former occasion I propose to do now—treat the matter in an altogether non-partisan spirit, at the same time, not thinking that because I am doing that, I should refrain from criticism of any point which seemed to me to be worthy of criticism, any more than I should abstain from giving praise where any praise is due.

In order to connect the story of to-day with that of a year and a half ago I shall remind the House that at that time the determination had been arrived at to consti-

* No. 73.

† No. 75.

tute a body which was called for by the overseas Dominions, and the necessity for which had been recognized for many years, and was acquiesced in by the British Government itself. There was need of something to get continuity of work in the Intercolonial or Imperial Conference, to see that information, such as it needed for its work, was prepared, so that when the delegates of the Empire, in the short time that was allowed them in London, met to confer together, they should have the very best information possible at their hands—in fact, should have this information at their hands long before they met there so that it would be possible for them to digest it, to consult with their colleagues at home with reference to it, and be prepared with their views, and prepared as well with the policy which they would adopt with reference to each of these great questions. There were two views with reference to this secretariat. One was advanced by South Africa, New Zealand, and Australia, which was in favour of an independent secretariat under the Presidency of the Prime Minister of Great Britain with officials paid by itself, and all the expenses were to be met by contributions from the different parts of the Empire which were represented there. They believed that in that way the business of the secretariat, and the business of the Imperial Conference would be carried on under more independent auspices, and that the touch which would be kept between the outlying Dominions and the central government would be closer and hedged around by less formality. The other view was taken by the Dominion of Canada, and acquiesced in by the British Government, that while something was necessary and they were willing to have something done to meet the end in view, the responsibility of the secretariat to one of the departments of the British Government might be kept, that is, that it might be formed in connection with, and under the responsibility of, the Colonial Office. As is usual in all these cases where an agreement is not possible a compromise was made, and Lord Elgin at that time promised that he would take immediately in hand the work of providing, in so far as that could be done under these conditions, for that which was deemed necessary by all the Dominions. As a consequence, and to make the matter short, the Colonial Office has been reformed. It has been divided into three parts, one called the Dominions Department, which has to do solely with the affairs of the self-governing Dominions; the second, which has to do entirely with the Crown Colonies and Protectorates; and the third, or General Department, which takes up the general routine business in connection with the office itself, and with both of these great divisions of the Empire. The formation, in brief, is as follows:—The Senior Under Secretary of State has been made the controller of the Dominions Department. Under him the junior assistant of the Colonial Department, Mr. Just, has been made secretary of the secretariat and also permanent secretary of the Imperial Conference. The Imperial Conference will not have from session to session a new man and a man unknown to its work as its secretary. This, then, is, in brief, the formation which has been made, and it has been in operation now for about a year and a half. I think it is well at the first to read the resolution which sets out the will or the wish of this Conference with reference to its general constitution. The first resolution that was passed at the Imperial Conference of 1907 was this:—

CONSTITUTION OF THE IMPERIAL CONFERENCE.

That it will be to the advantage of the Empire if a conference, to be called the Imperial Conference, is held every four years, at which questions of common interest may be discussed and considered as between His Majesty's Government and his Governments of the self-governing Dominions beyond the seas. The Prime Minister of the United Kingdom will be *ex-officio* President, and the Prime Ministers of the self-governing Dominions *ex-officio* members of the Conference. The Secretary of State for the Colonies will be an *ex-officio* member of the Conference, and will take the chair in the absence of the President. He will arrange for such Imperial Conferences after communication with the Prime Ministers of the respective Dominions.

Such other Ministers as the respective Governments may appoint will also be members of the Conference—it being understood that, except by special permission of the Conference, each discussion will be conducted by not more than two representatives from each Government, and that each Government will have only one vote.

That it is desirable to establish a system by which the several Governments represented shall be kept informed during the periods between the Conferences in regard to matters which have been, or may be, subjects for

discussion, by means of a permanent secretarial staff, charged, under the direction of the Secretary of State for the Colonies, with the duty of obtaining information for the use of the Conference, of attending to its resolutions, and of conducting correspondence on matters relating to its affairs.

That upon matters of importance requiring consultation between two or more Governments which cannot conveniently be postponed until the next Conference, or involving subjects of a minor character or such as call for detailed consideration, subsidiary Conferences should be held between representatives of the Governments concerned specially chosen for the purpose.

The adoption of that resolution, and the subsequent formation of the secretarial staff in connection with the Colonial Secretary's Office, marks a distinct advancement in the history of this, one of the great—and, I believe, destined to become one of the greatest—institutions in connection with the Empire. What then has been done since that formation based upon that resolution? I hold in my hand a report "Dominions No. 2," which I should like to see every member of this Parliament and every public institution in this country have a copy of. I repeat the suggestion I made a little while ago with reference to the other document, that the Dominion Government should order from the Home Office—if they do not see fit to undertake the publication here—at least 500 copies of that report, so that a copy of it may be in the hands of every member and Senator, and that a certain number of copies might be distributed to the universities and to our great public libraries. I do not think it would be wasting time to give a very slight digest of what is contained in "Dominions No. 2." In the first place, it deals with the personnel of the Governments of the different Dominions, and gives short, admirably-done sketches containing a great deal of information as to the persons who constituted the Governments of the Dominions, during the period of history which the book records. After that come the Conferences held during 1909 and 1910:—The Imperial Conference, about which discussion has already taken place in this House; the Naval Conference in reference to naval defence, and a description of what was arrived at at that Conference and acquiesced in by the Dominions and the British Government with regard to the defences of the Empire by sea and by land. There is given a short sketch of the Imperial Press Conference, which, although not political, did, during that year, and will for years to come as it meets from time to time, wield a very great influence in the Empire looking towards the diffusion of information, and of what we may call the spirit and essence of the Empire—the better spirit and essence of the Empire to which it will give interpretation. Then follows a report of the seventh session of the chambers of commerce of the Empire held in far away Sydney, Australasia. After that come the reports of commissions and committees:—The Shipping Rings Commission, about which a great deal of interesting information is given; the Copyright Commission and what has eventuated from it; and the Advisory Committee of Commercial Intelligence, which marks a step forward in the history of the trade and commerce of the Empire. The British Board of Trade has appointed a Commercial Intelligence Committee from amongst its members, together with a representative from each one of the outlying Dominions in the person of the High Commissioner, and the secretary of the Imperial Conference is a member of that committee. That intelligence committee has to do the work of scouting for the trade and commerce hosts of the Empire, the gathering and collating of information, the making of suggestions which the Board of Trade may carry out or which may be carried out to a still larger extent by the members of the Imperial Conference in the various parts of the world. Then comes the history of the treaties of arbitration and the agreements with respect to the different parts of the Empire. It is pleasing to note that as to arbitration treaties, in the year and a half which is treated of in this little book, arbitration treaties have been arranged between Great Britain and Germany, and Norway, and Sweden, and Portugal, and Switzerland, by the extension for five years of previous arrangements. It is instructive and a little flattering to see that in reference to commercial conventions and agreements the Dominion of Canada bulks up large in number. There are the Franco-Canadian Commercial Convention, the agreement with reference to the abolishing of the surtax as between Canada and Germany, the arrangement between Canada and the United States of 1910, the Boundary Waters Treaty, the Freshwaters Fishery Treaty, the delimitation of the frontier on Passamaquoddy Bay, the delimitation of the far western frontier between Canada and the United States, and the agreement for the Hague Tribunal arbitration. Outside of these there are but three conventions as between parts of the Empire and foreign countries:—The delimitation of the

southern boundary of the British Empire in Walfisch Bay, the delimitation in New Guinea between British and German territory, and the convention between Portugal as ruler in Mozambique and the Transvaal, in reference to certain difficulties which had arisen there.

Then comes a short history and a very valuable compendium of the principal legislation in all the outlying parts of the Empire that were represented in the Imperial Conference. After that is given a very readable digest of the principal current progress for the year and a half in the British Dominions, and what I think is particularly useful (and I imagine this was placed in this respect on the suggestion of the Government of Newfoundland), the principal legislation of the different overseas Dominions is set out in full. For instance, in the case of Australia they give the Naval Bill and the Military Bill, which provide for an absolute change in the basis and mode of defence in Australia. Similar information is given with reference to Canada, industrial legislation, forestry legislation, all the principal items of legislation in all the Dominions of the Empire are collated and placed in this book. The whole report is of the utmost value in that it makes clear and patent and easily obtainable by every Dominion the outstanding facts of the progress, development, and legislation of every other member of the Empire, so that we can turn from our own parish affairs, wide as our parish may be, into an atmosphere which widens out our view, and enables us to see what the other members of the Great British Empire are doing, the lines of their policy, and the methods by which they are working them out. This is all fruitful and suggestive information which may be availed of with mutual advantage. I, therefore, repeat my suggestion to the Prime Minister that a sufficient number of copies of that report, which will now be an annual report, should be obtained and distributed in the way I have suggested. It would be worth the expense, and I have no doubt the Prime Minister will take the matter into his favourable consideration.

I have brought this matter to the attention of the House to show that something has been done. The Conference of 1907 met, conferred, and parted; but matters did not stand still at the parting of that Conference, something has been at work since along the lines which were laid down by that Conference, steadily operating towards the embodiment and working out into the active policies of the different parts of the Empire of the conclusions which were reached and embodied in the resolutions adopted. I wish to amplify that by a short allusion to the different parts of the work which have been carried out by this secretariat since 1907. Twenty resolutions were passed by the Conference of 1907. One resolution I have read to you. The second resolution had to do with the defence of the Empire, and the third with the general staff service of the Empire. These have been discussed in the House, and I shall not allude to them further. Resolution No. 4 is an important resolution having to do with emigration. No hon. member in this House will object to the statement that the question of emigration or migration of populations within the Empire itself is a most important one. Resolution No. 4 reads:—

That it is desirable to encourage British emigrants to proceed to British Colonies rather than foreign countries.

That the Imperial Government be requested to co-operate with any Colonies desiring immigrants in assisting suitable persons to emigrate.

The Colonial Office note to that is as follows, and it is somewhat suggestive:—

The view taken respecting the subject matter of this resolution was that, in the absence of any request from one or other of the Dominions for co-operation in a particular matter, the needs of the situation were, as stated by Colonel Seely in the House of Commons on 22nd June, sufficiently met by the Offices of the self-governing Dominions in the United Kingdom and by the Emigrants' Information Office, which affords full and trustworthy information to intending emigrants to the British Dominions.

No suggestion towards the embodiment of the principle of that resolution in a more active form was made by any of the overseas Dominions, even by Canada, where the subject is of the utmost importance, and, therefore, the British Government rested upon the methods which were already at work, namely, the immigration offices maintained by the different overseas Dominions and the Government Emigrants' Information Office. The Colonial Office end their note with these words:—

The whole question is, however, again under consideration.

Evidently they were not satisfied with the view expressed in the first part of the note, and evidently greater interest has been taken as we quite know to be the case, therefore, the matter is now being again brought under full consideration, and I sincerely trust that the Imperial Conference, which is shortly to assemble, will not allow such an important question as that to any longer remain without further action and complete co-operation. Emigration or migration of population within the Empire affords a wider and better opportunity for healthful and helpful co-operation between Great Britain and her Colonies than any other matter of common policy between the different parts of the Empire. Then resolution 5 had to do with judicial appeals. In it the draft rules for the Colonial appeals were made by the British Office, and an Act merging these or empowering these was passed. So far as I can learn, while some of the outlying Dominions have acquiesced in those rules, in the case of Australia there was some difficulty in the way, and in the case of Canada I am quite unable to make out what action was taken, and possibly no final action has been yet taken.

The next resolution is one of preferential trade, and I shall ask the House permission to read that because it is apropos at present as affirming the position taken in 1902. In fact, that resolution is simply an affirmation of the proposition passed at the Conference of 1902, and is as follows:—

(1) That this Conference recognizes that the principle of preferential trade between the United Kingdom and His Majesty's Dominions beyond the seas would stimulate and facilitate mutual commercial intercourse, and would, by promoting the development of the resources and industries of the several parts, strengthen the Empire.

(2) That this Conference recognizes that, in the present circumstances of the Colonies, it is not practicable to adopt a general system of free trade as between the Mother Country and the British Dominions beyond the seas.

(3) That with a view, however, to promoting the increase of trade within the Empire, it is desirable that those Colonies which have not already adopted such a policy should, as far as their circumstances permit, give substantial preferential treatment to the products and manufactures of the United Kingdom.

(4) That the Prime Ministers of the Colonies respectfully urge on His Majesty's Government the expediency of granting in the United Kingdom preferential treatment to the products and manufactures of the Colonies, either by the exemption from or reduction of duties now or hereafter imposed.

(5) That the Prime Ministers present at the Conference undertake to submit to their respective Governments, at the earliest opportunity, the principle of the resolution, and to request them to undertake such measures as may be necessary to give effect to it.

I call attention to the fact that this was a complete affirmation of the ground taken in 1902 and for five years after. After a certain amount of experimental knowledge had been obtained, after Colonial sentiment had been canvassed, these Dominions, assembled together, deliberately put their names to that statement of principle with reference to preferential trade; and I call attention here to the fact that that was not a statement which called for any one-sided preferential trade, but affirmed that the overseas Dominions considered it would be advisable for Great Britain herself to give a preference to overseas Dominions in return for the preference they were giving her.

Mr. LENNOX: What is the number of that resolution?

Mr. FOSTER: Number 6. It points out the way in which that might be done—either by the exemption from, or reduction of, duties now or hereafter to be imposed. I do not propose to discuss that, but simply wish to put it on record.

Then resolutions 7 and 8 deal with commercial relations. I shall not read those. They are generally in favour of everything possible being done in order to extend commercial facilities between the different parts of the Empire and the Empire itself.

In connection with this I think that a step forward of great importance has been made in connection with the Commercial Intelligence Department. I said a moment ago that the British Board of Trade had an intelligence committee, and how it was constituted. That committee reported and recommended a certain course of action, and that course met with the approval of the Board of Trade, and has been put into operation. It is this, that commercial commissioners shall be appointed by Great Britain, one for each of the outlying British Dominions, and that in connection

with those commercial commissioners there shall also be travelling commissioners and stationary commercial correspondents for the different Dominions. These have already been appointed. Mr. Robert Creak has been appointed as the commercial agent or commissioner for Great Britain in the Dominion of Canada, and he has a staff which is being constantly enlarged, of correspondents in different parts of the Dominion with whom he keeps in touch, while he himself visits different localities. There are similar appointments in Newfoundland, Australia, New Zealand, and South Africa. So that we have had for a period of two years this new force at work, and very able, experienced, and competent officers they all are. They have been selected because of their ability and experience. One has only to think of the operations of men of that kind with their staffs in every part of the Dominion, to form an idea of the stimulating and developing power which this method of operating cannot fail to have upon the development and increase of trade in the Empire itself.

The next resolution has reference to the coasting trade and navigation laws. Not very much has been done in that connection. I notice that Canada passed an Order in Council by which coasting privileges were to be taken away. I think, however, that since then that order in council has been withheld from operation. Whether it has now taken effect or not I do not know. But so far as my information goes, it is not yet operative in the whole, and it may not be operative at all. However, at that time the Canadian Government came to the conclusion that these coasting trade privileges should be abolished, and passed an Order in Council to that effect. Along with that there is a piece of information, which is, no doubt, known to the commercial world, and that is, that the restrictive laws regarding passenger and freight carriage between the United States and Hawaii and the United States and the Philippines—which really had the effect of making those far distant Dominions of the United States a part of the territory of the United States as regards the prohibition of foreign coasting trade privileges—were, as regards the Philippines, abolished conditionally and with reference to Hawaii a Bill was introduced for their abolition, but whether that Bill was carried into law I do not know.

Resolution 11 is an important resolution. It has to do with treaty obligations. What has resulted from it? The secretary has carried out the resolution of the Conference, the information has been gathered and published, and will be found on pages 3395 and 3396 of the British reports, and in a special volume which contains all the existing commercial treaties. So that we have now in succinct form all that there is obtainable regarding these treaties and preferential arrangements.

Resolution 13 is an important one. It refers to uniformity in trade marks, and the object was to have, throughout the Empire, as far as it possibly could be done, uniform trade marks. If this could be brought about, of course, it would prevent a great deal of confusion and a great deal of imposition, and would lead to a clearer and more straightforward method of conducting commercial operations, and would tend to prevent impositions from foreign countries upon customers within the Empire by the simulation or evasion of trade marks as they exist in British countries. Not very much was brought about in the matter. On March 5, 1909, the whole matter was laid before the overseas Dominions. South Africa was favourable, Newfoundland was favourable, New Zealand was favourable, Australia does not seem to have taken much interest in the matter; and Canada came to the conclusion late in 1910 that there would be no advantage in discussing the matter. However, what the secretariat did was to put all this correspondence and all these answers into form and distribute them to the chief Governments concerned, which at present have them under advisement.

Resolution 14 is an important one. It has reference to uniformity of trade statistics. Any one sees that that would be of very great advantage for purposes of comparison and of actual knowledge, if it could be brought about. What the British Board of Trade suggested was that there should be a common year—they recommended the calendar year—and that there should be as complete a statement as possible of the countries of origin and the countries of destination, so that the trade reports would really tell how and with whom business was carried on. To a certain extent that is given now, but not to an extent which makes it actually reliable, and set forth the whole facts of the case. They say that there should be an amplification of the schedules of the tariffs, so that more definite and detailed information could be given. That was not a count against Canada so much, because the details in Canada's schedules are pretty extensive. With reference to some of the overseas Dominions, however, that does not hold good. Another point was that the items should be grouped in at least three great groups—foods, raw materials of

commerce, raw materials of manufactures—if four or more could not be had. Any one can see that if that could be brought about, both for purposes of comparison and for actual information, a great point would be gained. There is difficulty in adopting the calendar year. Australia, South Africa, and New Zealand—or Newfoundland, I have forgotten which—have adopted the calendar year, while others have adopted a different fiscal year, and it is difficult and almost impossible to change. But the making of an abstract for the calendar year would not be impossible, and in that way the difficulty to that extent could be overcome. With reference to the groupings, that has been agreed to, and, in fact, the minute of the Board of Trade has been agreed to with the exceptions I have spoken of, the matter of the fiscal year. This latter, however, is not by any means the great objection, and it will be possible, if that is all, to get not only the groups arranged into what you may call natural divisions, but to get also the groupings of commerce in the United Kingdom, British possessions, and foreign countries, which would be a great gain, and also the countries of origin and the countries of destination. To-day, the value of the Canadian statistics are lessened, and the facts of the case are not brought out because of the difficulty of finding the port of destination. For example, many of our goods enter the United States though they are destined for Canada, and, therefore, are not clearly shown in our returns as to country of origin. In the same way many of our exports do not go out through Canadian ports and the country of destination is not shown. Thus, some of our trade to the West Indies, for instance, goes to the credit of the United States, and *vice versa*, I suppose. The House will see that great progress has been made by the Dominions Department in bringing that matter to the position in which it is left at the present time. Without wearying the House, I will just mention the other chief points: uniformity of company law, which has still some stages to go before a satisfactory solution is reached; reciprocity in the domain of Dominion land surveyors, which, I believe, is to be settled, if settled it can be, at a convention of land surveyors from all the different Dominions, which is to meet in the autumn of this year in London; international penny postage, which is gradually moving on, and with reference to which the secretariat has brought out all details of the changes made since 1907, showing the gratifying progress that has been made in the direction of the final stage, which we hope will soon be reached, of complete international penny postage. Then there is resolution No. 18, with reference to Imperial cable communication, which is running along on the principle adopted before 1907, which principle the British Government says has guided the policy since 1907. Resolution No. 19 deals with a very important question, that of naturalization. A committee of the Imperial bodies—the Home Office, the Foreign Office, the India Office, and the Colonial Office—with a secretary was appointed, and has been at work upon this question of naturalization. A memorandum of the naturalization laws of all the Dominions has been prepared, and has been sent out to the different Governments for their consideration, and a draft Bill has been prepared. This draft Bill, and the information which has been collated, will be the subject of discussion at the Imperial Conference, which is soon to meet. Then there is the development of communication within the Empire, covered by resolution 20. That has been sent to a committee of His Majesty's ministers, and is now under consideration. Nothing has been done which is harmful, at least.

Now, Mr. Speaker, you see that the Conference, which met in 1907, left behind it the record of its work in the shape of twenty matured resolutions. The machinery, so to speak, of that Imperial Conference immediately took up that work which was left, and, I must say, with commendable promptness and assiduity. Most of the communications began early in 1907, showing that no time was lost in the secretariat in getting hold of these resolutions and pushing them forward into embodiment, and getting information upon them, and in all points urging them forward with all possible speed. Of these twenty resolutions a large number have actually solidified into a permanent policy and permanent operation. When the Imperial Conference meets again it may have something to do with amendments, with re-touching these great questions, in so far as improvements can be made, but with many of them they will have seen the efforts of their work being actually enjoyed by the Empire and the Dominions. Others are left over, but with a wealth of information accumulated printed, all ready in the hands of the Ministers from the different overseas Dominions, ready for their discussion, and for their decision when they come to the next Imperial Conference. So much now with reference to the history. It is enough to make us feel grateful that a step was taken in 1907 for permanence and for this actual mechanism of operation and fulfilment. It goes to clinch the statement I

made that we have here an institution which has not only come into existence, but which has more than justified its existence, and which justifies to-day our faith in its permanence and in its evolution as well.

Now I must relieve the picture a little by some criticism of the Canadian Government, given because I think it is proper, and because it may have the effect of preventing laxness in the future. Whilst it is noteworthy that the secretariat jumped at its work, and put its work through, and pressed it to a conclusion with commendable zeal and promptitude, it is quite the opposite with reference to the Dominion Government in its dealings with the secretariat, I am sorry to say that the Dominion Government has been the most lax of any, the most dilatory, going so far almost as to prove an indifference to the work of the very secretariat to which it gave birth. Now I am sure that we must not attach the latter meaning; therefore, we must criticise the laxness and lack of promptness which has characterised the way in which the Dominion Government has dealt with these matters. Let me give some particulars. The organization of the secretariat itself was a most important thing, as to the plans for organisation, as for its consideration, and as for suggestions. I find Canada was asked on September 21, 1907. Time went on until May 15, 1908, no reply having been given, a reply was asked. It went on till August 18, 1908, and, no reply being forthcoming, again a reply was asked, and up to the present time no reply has been given. So that with reference to the secretariat itself, our Government is in the position of having actually neglected to answer the representations of the secretariat with reference to its own organisation. Whilst every other one of the Dominions was prompt with its commendations and its suggestions, the Dominion Government, for some reason or other, was dilatory, and actually did not reply to the communications. Then with regard to judicial appeals: the matter was placed before this Government August 29, 1908; February 3, 1909, as no reply was given a reply was asked; March 5, 1909, as no reply was given it was asked again, and up to this date no reply has been made with reference to that so far as the books show. With regard to uniformity in trade marks, March 5, 1909, the subject was brought to the attention of this Government; March 1, 1910, nearly one year after, no reply having been given, they were asked again, and so far as we find in these reports, no reply has been given to this date. With reference to uniformity in trade statistics: on July 30, 1907, the matter was placed before the Government; December 14, 1908, no reply; a summary was sent to it of the replies of the other Governments, and the attention of Canada was asked to it. Time went on till January 19, 1909, and then the answer was in the negative. On March 3, 1909, they were asked to review their answer, and on April 19, 1909, they did review their answer, and they came to the requirements of the Board of Trade, giving their adhesion to the proposals of that Board. With reference to the uniformity of company laws, on July 31, 1907, a memorandum from the Imperial Government was sent, with a desire for consideration and reply. February 26, 1908, no reply; a reply was asked; April 21, 1908, no reply still; a reply was asked, and it was given out then that the question had been sent to the provincial governments, which ought to have been done in the first place. There, again, was a delay. With regard to surveyor's reciprocity, the same remark may be made. The matter was brought to the attention of the Government April 8, 1908; on October 20, 1908, they were asked for a reply, and it was not until March 4, 1909, that they sent a reply in answer to the first request. With reference to naturalization: on November 9, 1908, the matter was sent to them with a draft Bill, and they were asked for suggestions. On June 17, 1910, no reply; a reply was asked, and up to the present no answer has been given. With reference to marriage facilities: on June 20, 1907, the matter was sent to all the different Governments with a memorandum of the Registrar-General and a draft Bill in order to obtain the views of the provincial governments. Well, that went on until September 29, 1908, but no answers were sent, several reminders having been given to the Government.

Now, that is the criticism I have to make; I think it is a fair criticism with reference to this matter. Considering its importance, and considering the importance of Canada in the Conference, it would have been only courteous and right for the Government to have been more prompt in its dealings with the correspondence. Now that we have a Minister of External Affairs, there ought to be the utmost promptitude in dealing with those matters. The very reason why the secretariat was demanded by all the Dominions was because of the delays in the roundabout methods of communication, and the consequent disheartening that grew up as a result. It is quite too bad, then, that under the new order of things which was to

remedy that, we find one of the principal members lagging behind, dilatory, lax, almost indifferent in the matter of this correspondence. I hope my right hon. friend will not think that I have been too severe in that criticism. I quite know that the matter having been mentioned more care will be taken in the future. That is business sense as well as a proper national treatment.

Now, for one moment, we come to the Conference of 1911, and again my remarks will partake of the nature of criticism. Of course, one of the things which was urged with regard to the Imperial Conference was, first, that it should be a stated Convention every four years. If it was fixed the Dominions would look forward to it, they would prepare for it, they would take measures to make it effective. Then, it having once been established, the next thing to do was to get the great questions which were to form the subjects of discussion, and in order to get them the secretariat goes to work and corresponds with every one of the outlying Dominions, asks each one to make its deliberations, to suggest its questions, therefore help in the formation of the agenda, which could then be sent to each of the Dominions in good time before the next Imperial Conference was convened, together with the information gathered by the secretariat, which alone made it useful, in order that these proposed resolutions might be placed in the hands of the overseas Dominions. What was necessary? Why, that these questions should be submitted as quickly as possible in order that the secretariat might gather as quickly as possible the information which was necessary, print that information, and distribute it so that the different overseas Dominions might have ample opportunity and time to discuss these things among themselves, and to come to conclusions as to what would be their policy in reference to these matters. What happens in the case of Canada? On February 12, 1909, in good time, the British Government asks for the suggestions that each of the Dominions had to make, but no answer comes from Canada. On March 9, 1910, the Earl of Crewe asks again, but no answer comes from Canada. Again, on February 12, 1910, Canada was asked; again, on March 9, 1910; again, on December 19, 1910; and again, on January 30, 1911. Not until January 30, 1911, was any notice taken of the request, and on January 11 the answer came from this Dominion of Canada, the leader, the doyen of the States which make up the Imperial Conference outside of the Mother Country, that it had nothing to suggest. Well, cannot any one see what kind of a wet blanket that would be in any business, in any enterprise, and what kind of a wet blanket it must be in a matter of this kind? Is it possible, with the foremost overseas Dominion, with the great, the mighty questions which are existent to-day within herself and between herself and outside countries, and countries within the Empire, that there was no moving desire, no prompting of a spirit, no impulse at all towards helping along the Empire's Council and Conference in this its greatest representative and exponent, and that there was nothing at all to propose from the Dominion of Canada? It would almost seem as though every other member would say: Why, the principal boy in the play has refused to play any longer, and the game is not worth very much. In the national, in the Imperial, sense it would be almost tantamount to saying that Canada has lost her interest. She is the leading one of the Dominions; will it amount to much if there is no more interest than that in the leading overseas Dominion? So, I think, it was a great mistake in the line that I have just been tracing, that the Dominion of Canada made no suggestions, proposed no resolutions, and, at the last, just before the time of calling the Conference, gave the curt reply that they had nothing to propose, but would be ready to discuss anything which was brought before the Conference. I am free to say that I think a different course might have been taken which would have been more conducive to the interest and success of the whole.

Well, if Canada took no part, the other overseas Dominions—South Africa, New Zealand, and Australia—were promptly to the front, and well to the front. It almost astonishes one to note the vigour, the enthusiasm, the quick impulse with which these other overseas Dominions leap into the arena. They are full of suggestions because they are full of the spirit of the Imperial Conference, and they give their suggestions. They are not the suggestions of children. I have not time to read over everything which was proposed, but the secretariat in connection with the British Government has sifted them out somewhat, and here are the principal ones, which, laying aside those for subsidiary conference and other methods of getting at

conclusions, are set down as remaining for the full Conference. Just listen to them, Mr. Speaker:—

Merchant shipping and navigation laws.

An immense subject.

Cheaper cable rates.

Important to Canada, and applying to cables connecting every part of the Empire.

The All-Red Route.

About which the right hon. Prime Minister was so full of enthusiasm three years ago, and is, I hope, to this day.

The Imperial Court of Appeal, State-owned Atlantic cable and telegraph line across Canada; the reconstruction of the Colonial Office, Imperial representation, and publicity of proceedings.

Those have reference to the Imperial Conference itself.

State-owned British wireless telegraph stations; double taxation, and stamp duties on Colonial bonds; commercial co-operation for the encouragement of British-manufacturers and shipping; the Declaration of London.

Which vitally affects all food-producing countries in connection with the Empire.

Emigration and the position of labour exchanges.

Than which, as I said before, there is no more practical question for the intensest and completest co-operation between the outside Dominions and Great Britain itself.

Currency and coinage; co-operation between the naval and military forces of the Empire, and the status of the Dominion navies; the position of British Indians in the Dominions.

Outside of those there are others which are mentioned to follow when these shall have been exhausted or taken up and dealt with in so far as the Conference goes.

Now, we often hear it said that you must not have any sordid side to your union within the Empire; you must not, as it were, villify it—using that term in its proper meaning—by having reference to matters of dollars and cents, of pounds and pence. And yet every line of this agenda which is the product of the Empire breathes the spirit of trade and commerce and material development. Sentiment or loyalty refined and sublimated and powerful as it may be, takes a place proper for itself, but cannot crowd out, and has not crowded out, those daily business considerations which lie at the heart of the welfare of the humblest individual as at the heart of the highest interest of the nation and the Empire. That agenda is a complete refutation of the apt and pat, and oft-repeated saying that you cannot bind an Empire or a people together by sordid considerations of dollars and cents, *i.e.*, of business and trade. There is a nobility to business and trade as there is its own nobility to patriotism and loyalty; there is a nexus in trade and commerce as powerful and as well diffused as is the nexus supplied by sentiment of birth, of blood, and of nationality, and the nation which forgets either of them forgets one of the prime sources of its power. The nation which joins both is the nation which is the wiser in its plans, and which will be the stronger in its ultimate development and progress. There is one sentiment in one of the reports from Australasia over the signature of Mr. Deakin—who I am sorry will not be a member of the coming Conference, though in saying that I am not at all derogating from the excellence and worth of the Australian Premier, who will take his place—and that is that all these matters that he has been treating of in the despatch have in view the keeping of the parts of the Empire "within touch of each other." That is a sentence I would like to keep in my own mind, and leave in the mind of every citizen of the Empire. That is a vital point; it is an affirmation of the centripetal principle; the power of attraction which is as wide as the universe, and as strong and as enduring. That is the one aim, the one purpose. No method is good unless it has that idea as the objective point—the keeping in close touch the different parts of the Empire. How is this to be brought about? Centrifugal forces there will be, and disintegrating forces there will be. There are influences which tend to force us away from the proper unity of the nation and the proper unity of the Empire; there are outside attractive forces which tend to draw us away from the national and the Imperial ideal. We must fight against these by strengthening the cohesive powers of the nation and the Empire, by feeding them with the vital essence from day to day, and making them great and

powerful to counteract the forces which are drawing us towards dispersion and disintegration. How are you to keep the Empire within touch? By, in my opinion, three great things will you keep them in touch: First, by personality. In the individual life we know what personality means. Two people may correspond over leagues of sea and miles of territory, and may be fairly well acquainted with each other, but it is not until they touch hands and look into each other's faces, and read each other's souls that the strong bonds of union and friendship are forged which become permanent and indissoluble. The very same principle holds with reference to nations and to Empires; and, until these Imperial Conferences swept aside to a certain measure the methods of correspondence over thousands of miles of space, and brought the governing men of the Empire where they touched hands and looked into each other's faces and read each other's thoughts and hearts; not until then were the strongest bonds of Empire forged. Personality between two individuals is strong and powerful, but personality between two individuals who take upon them representative functions is as much greater as is the strength and power of the functions they have taken upon themselves to discharge. And so you put men in official capacities as leaders of the Empire—with all the weight of Empire and the responsibility of Empire upon them—you put them in personal contact with each other, and you have a personal bond infinitely stronger than the bonds between individuals. And that personal contact brought about in that Imperial Conference has done more, and is doing more, to weld the Empire together than probably any other force we know of. Besides the personal power there is conference. What is conference? It is the equalization of facts and information. You in Australasia know the facts of your portion of the Empire; you are daily face to face with them, you understand them, you go to the Imperial Conference and you meet there representatives from every other part of the Dominions who are faced by the same facts at their own domestic hearth fires. These different bases of information are made common, the information is equalized, and it becomes the portion of the whole Empire, and is no longer peculiar to any one part of the Empire. Equalization of facts, equalization of aims, equalization of methods; you have to join your facts together and adopt methods to bring out of the facts the equalization of the aims; and so by these facts, and methods, and aims joined in conference, and the conclusions you come to, there is the second great element of force and of power towards a united Empire. You have all that, and you have not gone far unless you take the final step. You have the personal contact and the fire and spirit that is born with it, the conference and its equalization of facts, of aims, and of methods, but you must also have the third element, and that is co-operation. That co-operation is the final step and the crowning glory of that piece of machinery, shall I call it, that admirable mechanism which we to-day call the Imperial Conference. And what are these lines of co-operation? In regard to communication you have postal, telegraph, and steam communications. The greatest anti-Imperialist that ever stood on shoe-leather could find no fault if all parts of these Dominions of the Empire should co-operate on the line of better postal facilities, better telegraph facilities, and better steam communication. Then there is co-operation on lines of trade, inter-Imperial trade, and foreign trade, and the attitude that is to be assumed towards both. No one will deny that, other things being equal, it is to the advantage of the Empire that the greatest amount of trade should be done within itself, and that while that trade is being done the greatest amount of favour should be given to those within the Empire as compared with those without the Empire.

Then there is co-operation on lines of development and progress, the migration of capital, the migration of population, and the civilization and moral uplift. Capital, deride it as we may, love it as we all do, make a political hobby horse of it as many of us are inclined to do, is essential to all development and all progress, and between the old country and the new, all the advantage of the capital accumulated in the old goes to the new, which has resources undeveloped and capabilities rich in possibility and rich in possible fruit. With migration of population there is a double advantage. We have the old country pent up with its teeming millions with scant means of obtaining a livelihood, little breadth of atmosphere, and little prospect for the future. They can come from that country to our great manless regions with lands everywhere asking for labour and for population. Therefore, the benefit is twofold, but the greatest benefit comes to the new and young country from this population of labour, this man power sent to our manless regions will develop these lands from the prairie, producing nothing, into the rich grain fields and the rich farm lands which are productive and permanently productive of great wealth.

Thus, in the migration of capital and in the migration of population, and in the more elusive but most beneficial migration of social and moral forces which comes from the old to the new and runs back again from the new to the old, uplifting and strengthening, yes, and beautifying, both countries and the populations of both countries—in these three things co-operation will bring about wonders that disunited effort will never see accomplished.

Then there is defence. You may be a peace man or you may be a jingo, whichever you like, it does not alter the fact that in this world of ours at present, and for a great many years to come, so far as we can see, the country which omits to defend itself is a country which stakes its fortunes on chance and neglects to do its duty by its people and by its resources. What kind of defence shall we have? That which combines the greatest economy with the greatest security—and on the line of co-operation surely we find that. With Great Britain and her mightiest navy of the world, and these outlying divisions of the Empire, all to be defended and protected, where do we get the maximum of security with the minimum of expense, that is, the maximum both of economy and security? Along co-operative lines, there is no other possible answer.

Then, lastly, there is co-operation along the line of organization. If to-day the British Empire needs one thing more than another it is organization, the co-ordinating of all its mightiest elements of power and progress in business-like common sense and powerful organization. That is a problem for years to come; that problem can never be solved unless it is solved by the concurrence of the overseas Dominions and of the mother country itself. These two must unite. Heretofore the mother country has been all-predominant. Fifty years hence the outlying Dominions will come to be co-predominant, and one hundred years from now, with all circumstances favouring, the Empire outside of the British islands will be the larger, the richer, and the more important half. Here again, in the organization and co-operation of all our forces working together, we strike the line of ultimate success. To-day, Mr. Speaker, I ask you to point out to me one single institution in which this work can be carried out? In your British Parliament? No, Sir, clogged, often submerged, with parish and petty business, rent and torn with party local factions as it is, the great matters of Empire are shoved into the background, and get but little of the calm and weighty consideration that should be given to them. In any one of the Dominion's Parliaments? No, they lack the power and they lack the scope. There in your Imperial Conference you have the representation and the only representation of Empire, you have an actual representation of Empire, because it is the big governing forces of the Empire by the will of the people in every part of the Empire, and you have that collection of forces which, though it cannot pass an edict, and cannot enact a law, can yet come to conclusions which the executive power of the Empire, in each different part of it absolutely free in itself, can carry into actual embodiment and make strong and effective in the councils and in the work of Empire. I make no apology for drawing the attention of the House to the Imperial Conference, to the work it has done, and work it is destined to do; but I would ask every man who follows these matters to remember that there does stand within the Empire one organization as free and as untrammelled as it is possible to be, and yet with a power of executive action distributed throughout the different parts which is possessed by no other legislature within the Empire or within the wide world.

Rt. Hon. Sir WILFRID LAURIER (Prime Minister): My hon. friend (Mr. Foster) opened his remarks by telling the House that some 18 months ago he had, in a speech delivered in this chamber, traced the history of what is now known as the Imperial Conference from its commencement to the stage it has now reached. The speech my hon. friend delivered on that occasion was very able, lucid, and clear, and at the same time very impartial; and I can, with a very sound conscience, pay the same compliment to him for the speech he has just delivered.

With the criticisms on the Government, in which my hon. friend indulged, I have no fault to find. They were temperate, and I hope I shall be able to answer them at the proper time. He called the attention of the House to the fact that after the Conference had been organized in 1907, as it now exists, a line of cleavage arose in its ranks as to the manner in which the work to be performed by it should be carried out between each meeting. The Conference is composed of the Imperial Government and also of the overseas Dominions Governments. It is a Conference in a sense between equal and equal. While the Dominions Governments are not equal to the British Government in a certain sense, still, for the purposes of the Conference, they were placed entirely on the same footing. A line of cleavage arose as to

the manner in which the work prepared by the Conference to be distributed among the different Dominions should be carried out. Two propositions were submitted at the time. It was proposed that there should be an independent secretariat organised to deal permanently with the work of collating information, attending to the resolutions, engaging in correspondence, and acting generally as the secretary of the Conference which was to meet four years hence.

Mr. FOSTER: Under the presidency of the British Prime Minister.

Sir WILFRID LAURIER: Yes; and I may say that this idea was proposed, if I remember rightly, by Dr. Jamieson, of the Cape. One of its chief advocates was a man of great ability, but who, I am afraid, will not be present at the next Conference. I refer to Mr. Deakin, then Prime Minister of Australia. But in the course of political events Mr. Deakin has lost power, and his party has been replaced by its opponents. His successor is a gentleman who has proved himself an able man also, and will, no doubt, be a worthy successor to Mr. Deakin in that respect, but personally I regret exceedingly that Mr. Deakin will not be present. I had hoped that he would come to the coronation as member of the contingent from Australia, but I find, from the list come to me, that he is not to be there. Not that I share his views in everything; on the contrary, in some things I differ with him widely, but I say without hesitation that although my views clash with his, he is a man of great ability, and his presence at the Conference would certainly have been a great addition. He took the view that it would be advisable to have what is termed by my hon. friend from North Toronto (Mr. Foster) an independent secretariat. Some other gentlemen, and myself did not share that view. We thought it would not be consistent with our system of responsible government to have at London an independent secretariat. Though nominally under the supervision of the Prime Minister of England, still, in many ways it would be independent, and not in full accordance with our constitution. We were prepared, however, to have a secretariat which would be under the direct supervision of the Governments responsible. That view was entertained, and a secretariat was appointed. It has been in operation some three years or more, and has done very effective work. I do not think, so far as I can learn from the events, that there is any reason to regret the step taken, or that any mistake has been made in that regard.

The chief criticism offered against the Government by my hon. friend is that we have not been as prompt as we might have been. Possibly that may be the case, but we have not been at all idle, and we have had to deal with very important questions. But to come to the more important criticism made by my hon. friend, that in the preparation of the work which is to be dealt with by the Conference which is to meet in May next, the Government of Canada has offered no suggestion, and has appeared indifferent to the work itself, I may reply that if we have offered no new matter, it is simply because we are of the opinion that there is sufficient left of the work of the late Conference to keep the new one busy for the time it must sit.

Mr. LENNON: Is it correct that the business left over from the former Conference will come up of necessity, without being the subject of any agenda being sent in by any of the Dominions across the seas, or by the British Government?

Sir WILFRID LAURIER: No, the work which has not been disposed of must of necessity come up again for discussion. Take, for instance, the matter of defence. That was dealt with at the Conference of 1907, and was discussed in the Conference of 1909, and no doubt will be a subject for discussion at every Conference. At the Conference of 1909 the subject of defence was especially dealt with, but no one supposed that it was then exhausted, and that nothing more was to be said about it. On the contrary, it is one which I am sure must come up again for discussion.

Then take the trade question. That is in the same position to-day as in 1902. In 1907 the Conference discussed that question, but proposed no new resolution. It was content on that occasion to take up the resolution of 1902. It so happened that in 1902 the trade resolution which was adopted did not meet the views of the British Government of that day. The Conference of 1907 reaffirmed that resolution. But it does not follow that the trade question is exhausted, and that there is nothing more to be said about it. On the contrary, it is a permanent question which must come up for discussion at every Conference. I might call attention to this resolution which was passed in 1902, and which was re-adopted in 1907. It states, amongst other things, that it is not possible to have a universal system of free trade between the Dominions overseas and the Mother Country. I suppose that everybody agrees that it is not possible to have such a system of free trade. But I have no hesitation in saying that, in my opinion, that would be the ideal condition for the British

Empire. That is only my own opinion, which, however, I think, is based on good reasons which must appeal to every man who gives attention to the matter. But we know that, under present conditions, it is not possible of immediate realization. Does it follow, then, that the discussion of it must be abandoned? Is it not a fact, on the contrary, that this question must come up again and again? It must come before the pending Conference. I do not assume that it will be settled then, and I am sure it must come up for still further discussion later on. That is the reason we had no more subjects to suggest to the Conference—

Mr. LENNOX: If the Prime Minister will allow me, perhaps I can make myself clear. I understood that the Dominions beyond the seas were to send in suggestions of subjects for discussion, and that out of these the authorities in Great Britain would select and arrange such matters as were of immediate importance to form the primary basis of discussion, and that this again would be submitted to the Dominions overseas. As I understood it, matters discussed at previous Conferences would not come up unless they were submitted for the agenda by some of the Dominions overseas.

Sir WILFRID LAURIER: If the hon. gentleman (Mr. Lennox) will look at the agenda of the last Conference, and at the work performed, he will find that the Conference took up not only matters that were on the agenda, but other matters as well. I am prepared to believe, with him, that the first questions taken up will be those on the agenda, but it does not follow that the business of the Conference will be confined to these matters. It goes without saying that many matters may be brought up which are not on the agenda, and that resolutions which engaged the attention of the last Conference will come up for further discussion. Take, for instance, the question of migration. My hon. friend from North Toronto (Mr. Foster) referred to that at some length, and spoke of it as an important question. I agree with him in that. That must come up for discussion. A resolution was passed which, it was thought, would cover the whole ground. But, in practice, difficulties have arisen which were not anticipated, and which must be the subject of further discussion. I agree that there is no better immigration into Canada than that from the British Islands, not only because the people are the kith and kin of the great majority of the people of the Dominion, but because they are a wealthy class, and are excellent citizens and good workers. But it happens that in the immigration we had three or four years ago there were elements which were not of this character, and as to which we have to take strong action. There is this line of cleavage which has come in the immigration from the British Islands, some of which is eminently desirable, some not so desirable, and some distinctly undesirable. We have to discuss the matter in all its bearings, and, if possible, come to some conclusion on the subject. This will be one of the most important subjects of debate.

Another question brought up by the Canadian Government, and which was not on the agenda of the last Conference, was that of the All-Red Route. We had not put it on the programme, not because we have abandoned it, but because we have not been able to make the progress we had hoped to make on the question. So far as the Atlantic is concerned, the difficulties of carrying out the project are not very great, and it seems to me that I see daylight on that side, and that perhaps we may have a fast Atlantic service of a first-class character between Canada and the United Kingdom before many years are over. The great difficulty is the Pacific, the difficulty being to meet the views of both Australia and New Zealand. So far we have not been able to find a way.

Another subject as to which we have expressed our view is that of naturalization. We have stated that we have nothing to suggest, but we are prepared to discuss everything offered by the Conference, drawing special attention to the subject of naturalization. I regard this subject as one of the greatest importance. A Bill has been prepared, as stated by my hon. friend (Mr. Foster). This Bill we do not either approve or disapprove—we leave it for discussion. But the state of things in relation to naturalization as the result of our laws on the subject and the laws of the United Kingdom on the subject cannot be allowed to continue, but must engage the attention of the Imperial as well as the Canadian authorities. We intend to make it a strong point with the British authorities to have at once uniform laws. We are absorbing from the British Islands and other countries from two hundred thousand to three hundred thousand new citizens every year. Those that come from the British Islands, of course, remain British subjects. Those who come from other countries may become British subjects after a period of probation, which is fixed by our laws at three years. But they become British subjects only so far

as Canada is concerned. A man coming from Germany to Canada, and, after three years, naturalized under our laws, would be a British subject, but only while he was in Canada. The moment he went out of Canada, he would be no longer a British subject, but a German. That is a most undesirable condition of things. Our naturalization laws have been sufficient up to the present time, but they are not adequate for the new condition of things that has arisen. It is our purpose to call the attention of the British authorities and our fellow citizens beyond the seas, who are equally interested with ourselves, to this question. It is a question full of difficulty as I know, for I have discussed it with many persons in different parts of the Empire. But if there is a subject on which we ought to have uniform laws, it is this very subject of naturalization. Therefore it is that we do not think it advisable to present more subjects for consideration than are already pending and will be suggested from other quarters. If we have refrained from offering subjects for discussion, it is not from indifference or want of appreciation of the value of the Conference, but because we think quite enough work has been cut out to keep the Conference busy for the month or five weeks, which is the most that many of us can be expected to give.

I am glad, however, to agree with my hon. friend as to the importance of the Conference. It is not an elective body, it is not a legislative body, it is simply an advisory body; but, so far as it goes, it has done excellent work, and is destined, I think, to do better work in the future. It is certainly drawing-together all the different parts of the Empire, so far apart geographically, so far apart in interests, and so far apart in many other considerations, but which have been brought together every four years, realizing to a large extent the suggestions which have been made by my hon. friend as to the advantage of personal contact and personal confidence. As to the remarks of my hon. friend in reference to co-operation, I think we have gone perhaps as far as it is possible to go at this moment. My hon. friend indulges in a vision which certainly was very eloquently presented, which is very grand in itself, but as to which I am not prepared to offer an opinion. I think we all agree that British history shows that British communities are slow to move. It is characteristic of the British mind and institutions, that British communities never move fast, are never carried away by sentiment, but move step by step, only as the need of change becomes manifest and becomes imperative. Whatever may take place in the future, we may expect to go on step by step in the line of doing the best we can for the moment for better trade relations, and for the upbuilding of the British Empire which, embracing all the British communities in the world, must tend to the realization of what my hon. friend has in his heart, as it is in mine, the universal peace of the world. If we had a consolidated British Empire, so far as the common interests of British communities will draw them together, certainly we should have a most powerful factor for the benefit not only of the people most nearly interested, but also for the human race.

Mr. HAUGHTON LENNOX (South Simeoe): I am sorry that I cannot agree with the Prime Minister in the position which he takes to-day as to the justification of the Government in the attitude they took with regard to the communication of their views for discussion at the approaching Conference. As the Prime Minister puts it to-day, if it were in accordance with the actual conditions there would be no great ground for complaint. But I venture to say, with all deference to the Prime Minister, that the assumption he makes that these matters of vital importance that are to come up for discussion at the Imperial Conference would come up without any addenda being put in by any of the self-governing Dominions, or by the home Government, is not correct. On the 19th of December, 1910, after many previous communications had been made, the Secretary of State communicated with Canada, Australia, New Zealand, South Africa, and Newfoundland, sent a telegram requesting them to send in a synopsis of the matters that they proposed for discussion, pointing out that it was important to have the matter arranged as early as possible, and to select the more important subjects for discussion. It is quite clear, therefore, that what will form the basis of discussion will not be what had remained over from the previous Conference, but a selection of the most important subjects presented in the various agenda that might be sent in by these Dominions. This was not complied with by some of the overseas Dominions. On November 16 Newfoundland had sent in a subject for discussion; on November 29 New Zealand had sent in their agenda by telegram, deeming it to be a matter of considerable urgency. Then the next step in the transaction was on the 19th of December, when this despatch I have referred to was sent out to Canada and some of the other Dominions. On the

24th of December following, Australia, by telegram, sent in its agenda, and on the 9th of January following Australia supplemented that. On the 20th of January, the secretariat, I presume, communicated to Canada, Australia, South Africa, Newfoundland, and New Zealand their suggestions of subjects which should be taken up, and the order in which they should be discussed. But not until the 30th of January, 1911, was there any communication from Canada. Now, coming back to what the Prime Minister says, because this is a matter of great importance, I would like to say a few words to establish clearly that the Prime Minister and the Government of Canada have no right to understand that any important subject will be taken up unless it is contained in an agenda sent in by one of the overseas Dominions, or is contained in an agenda which is formed from all these by the secretariat. On the 20th of January the secretariat communicated with the various Dominions, including Canada, and says:—

In my despatches of the 1st, 15th, and 29th of December, and 16th January, I submitted to Your Excellency, for communication to your Ministers, copies of the resolutions to be submitted by the Government of the Commonwealth of Australia, the Dominion of New Zealand, and the Colony of Newfoundland at the forthcoming Imperial Conference of 1911. Prints of these resolutions are appended to this despatch. I have received no information as to the proposals of the Dominion of Canada or the Union of South Africa—

Then he says:

As at present advised, His Majesty's Government propose to suggest for discussion at the Conference the following subjects:—

His Majesty's Government considered that, as regards the subjects which can be taken up at this Conference, they would have to submit the subjects which would form the basis of discussion, and His Majesty's Government proposed to have discussed:—

The position of British Indians in the Dominions; labour exchanges in relation to the Dominions; uniform design for stamps; the arrangements for expulsion of undesirable aliens.

Then, after some further remarks, which I need not read, this point is made:—

5. The principle laid down by Lord Elgin in his despatch of 4th of January, 1907, was to give preference to subjects proposed by the Dominions and to rank such subjects according to the number of Dominions proposing them, regard, of course, being had to the intrinsic importance of the subjects and to the possibility of arriving at a definite result by discussion. I apprehend that these principles may again be followed with advantage; and accordingly the subjects put forward by the Commonwealth of Australia, the Dominion of New Zealand, and Newfoundland may be taken provisionally as the basis for the agenda.

In other words, if these Dominions across the seas had not sent in any agenda at all there would be nothing for discussion. It might be then that, like the great quantity of fishes left over in the miracle of the loaves and fishes, the Conference might take up what was left over from the previous Conference. But there was no basis for discussion unless these subjects were sent in, and certainly those would have precedence that were sent in.

Two Dominions propose what are either the same subjects or branches of the same subject, viz., (a) merchant shipping and navigation laws.

That is New Zealand and Australia.

All-Red Route.

Proposed by New Zealand and Newfoundland.

Uniformity of various laws, New Zealand and Australia; State-owned Atlantic cable, New Zealand and Australia; reciprocal legislation as regards conspiracy, Australia, and as regards destitute persons, New Zealand.

After having pointed out that those subjects which are proposed by two or more Dominions have precedence as subjects for discussion, he continues, and gives the subjects that are proposed by New Zealand and by Australia. Then, pointing out what shall have precedence he says:—

There would remain for the consideration of the full Conference the following matters:—

Merchant shipping and navigation laws;

Cheaper cable rates;
All-Red Route;
Imperial Court of Appeal.

Having pointed out that it is not necessary that certain subjects should be discussed by the Conference, but that they may be relegated to certain sub-committees, he says:

The subjects above set forth as a basis for agenda of the Conference are of varying importance, but it seems clear that there must come first the question of the publicity of the proceedings of the Conference and the resolutions of New Zealand on the subject of Imperial representation, the reconstruction of the Colonial Office, and the interchange of civil servants, which have relation to the constitution of the Conference itself. There must follow the subject proposed by two Dominions, namely:—

This is the order he says the discussion is to take; and if any subject has not been proposed, it is not on the agenda at all; it is not a subject for discussion; and had it not been that some of the other overseas Dominions have been more alert than the Government of Canada, we would not have had any of these important subjects coming before the Imperial Conference. The proposition made by Mr. Harcourt is pretty narrow. He says:

There must follow the subjects proposed by two Dominions, namely, merchant shipping and navigation laws; the All-Red Route; the Imperial Court of Appeal; the State-owned Atlantic cable, and line across Canada.

So that the order of precedence which shall be followed is laid down in this statement which is submitted on the 20th January to the overseas Dominions as the agenda which will govern the various agenda which have been sent in. Then the Government are in this position. When they passed their Order in Council on the 16th January, 1911, and announced that they had nothing to propose, they left it absolutely to chance, or they left it absolutely to others, what should form the subjects of discussion at this most important Conference of the British Empire. That this is so is abundantly clear from what the Order in Council says itself:

The Minister states that, in so far as Canada is concerned, Your Excellency's advisers do not consider that there are any questions of sufficient urgency to call for suggestions on their part as to what should form the subject of the deliberations of the approaching Conference. They content themselves by saying that they will be prepared to take part in the discussion of whatever subjects may be proposed for consideration by His Majesty's Government or by those of the other self-governing Dominions.

Is that what the Minister understood at the time? Did he understand, as he says to-day, that he thought that all the important subjects that were left over without being completed at the last Conference would of necessity, or as a matter of course, come up for discussion? I venture to say that when the Order in Council was passed no such understanding existed, and I venture to say also, as a matter of fact, and as a matter of common sense, that no such thing would happen, and that we should have no discussion of these important matters, such as Imperial preferential trade or anything of that kind, or naturalization, which the Prime Minister thinks important now, but for the fact that some of the overseas Dominions have been more alert, more alive to the importance of bringing these matters before the united wisdom of the whole Empire at the Imperial Conference than were my hon. friends from the cabinet of Canada.

Mr. FOSTER: Naturalization was left out.

Mr. LENNOX: Naturalization was left out of the discussion, and naturalization was one of the subjects suggested by Australia. But, as a matter of fact, if more Dominions had united on any one subject, if the Dominion of Canada had added its request to have certain important subjects brought up for discussion, the fact that there were three Dominions making the request instead of only two, or one would probably have turned the scale and brought some of these important questions to the front which will not be to the front on this occasion.

Mr. FOSTER: Naturalization is not in Australia's list on page 11.

Mr. LENNOX: It is on page 9.

Mr. FOSTER: It is not included in the list on page 11.

Mr. LENNOX: No, it is not taken up by the home authorities. It is not made a subject of discussion, but Australia by its agenda asks that it shall be made a subject

of discussion. If the Dominion of Canada had sent in an agenda asking that it should be made a subject of discussion it probably would have been, because, acting upon the principle set out in the letter of the 20th, if it had the endorsement of two Dominions, it would come to the front. But it absolutely will not come to the front I can tell the Prime Minister, it will not come up for discussion under the conditions which exist, and for which I, with very great regret, must say that I have to hold the Prime Minister and the cabinet responsible.

I have not sufficient presumption to think I can add much after my hon. friend from North Toronto (Mr. Foster) has spoken, but there are one or two points I would like to refer to, and one is in reference to a matter that assumes a new form since the last Conference, and which was not the subject of any previous Conference in so far as I know, and that is the Declaration of London. Throughout the whole British Empire the commercial world is on the alert on the question of the Declaration of London, and perhaps I am stating it too narrowly when I say that the whole industrial world within the British Empire is affected, and intimately affected, by the Declaration of London. The result is that in every city in Canada, boards of trade and those having regard for the conditions of commerce are on the alert in reference to this matter. The Prime Minister knew that this matter had been put in form since the last Conference. He knew, or must have known, that it was of vast importance to the Dominion of Canada.

He knew—he must have known—that there was a good deal of agitation in reference to it, and a pretty strong feeling that it was assuming an unsatisfactory shape. I asked a few questions, and they were answered in the House on the 23rd of March last by the Prime Minister, and one reply of his was: "The provisions of the Declaration of London have been taken into consideration." That is an easy phrase, but I pause now to ask the Prime Minister what has the Government done; what commercial bodies has the Government consulted to obtain their views; have the boards of trade of Canada been consulted? Have the great shipping interests of Canada been consulted? Have the great agricultural interests of Canada been consulted? Because under this food products come in for confiscation. Let the Prime Minister tell us what the Government did to take the subject into consideration, a subject which he must recognize is a vital one, not only to Canada, but to the British Empire.

Sir WILFRID LAURIER: We did not consult the shipping interests, nor the farming interests, nor the commercial interests of Canada. The Declaration of London deals with international law in regard to contraband of war. Up to the present the rule of international law has been that contraband of war was confined to armament, weapons, explosives, and so on. The rules of international law are simply based on the opinion of eminent jurists, and they are not binding. The Declaration of Paris in 1856 was confined to a few nations, and it declares privateering illegal, and it declares also that food products should be covered by the flag and should not be liable to seizure. The Declaration of London proposes a new condition and makes food in certain circumstances a contraband of war. I do not think any information could be obtained upon that point by consulting the shipping interests or any other of the interests mentioned by the hon. member. I think we have all the information at the present time on that point that it is possible to gather. We have the declaration of the Chamber of Commerce; we have the declaration of the shipping interests of the United Kingdom; and we have the declaration of boards of trade in this country also. I am not aware where we could derive any more information than we have at present.

Mr. LENNOX: As the Prime Minister says, the Declaration of London enlarges the scope of what shall be contraband of war, and one of the big elements in it is foodstuffs, grain for feeding animals, fabrics for clothing, boots and shoes suitable in war, gold and silver coin, bullion and paper money. The first three of these very intimately affects Canada. Boards of trade and other bodies have expressed their opinion as to what the effect of it may be. Boards of trade are not infallible, but some of the overseas Dominions have also expressed their opinions upon it, and have condemned it. I apprehend that the best way for the Government to get information would be to consult with those who are most closely connected with the matter, and I apprehend that it is the duty of the Government—I should recognize it to be so if I were running this Dominion Parliament—to consult with those who have special knowledge upon the matter—not necessarily to follow their advice—but for the purpose of enabling the Government to form an opinion as best they could.

Mr. MACDONALD (Pictou): How many boards of trade in Canada would under-

stand the principles of international law or the law in regard to contraband so as to be able to give any assistance on the question?

Sir WILFRID LAURIER: Would it be possible by any inquiry we could make at present to obtain any information which we have not? The only thing we could ascertain on any such question is an expression of opinion. As my hon. friend knows it is a very debatable question in the United Kingdom as well as in the overseas Dominions, some of which are for and some against. We could not obtain by any possible inquiry more information than we have on the subject.

Mr. LENNOX: I have a higher opinion of the boards of trade of this Dominion than has my hon. friend from Pictou, and I think they could give valuable advice on this question. Now, the Prime Minister has or has not an opinion on the subject, and if he has any opinion in which he has confidence he should have expressed it in the agenda, and forwarded it for discussion at the approaching Conference. If the right hon. gentleman has not an opinion, which I think is most likely to be the case—

Sir WILFRID LAURIER: I have my own opinion.

Mr. LENNOX: Then the Prime Minister has not given us the benefit of it. If the right hon. gentleman does not entertain an opinion on the question, and has not full knowledge of it, he should endeavour to equip himself before the approaching Conference so that he may be in a position to present his opinion in the form of an agenda, and discuss it in the best interests of Canada and the Empire. Then, on the 23rd of March last, when I questioned the Government, the right hon. gentleman replied: The Government has made no representations in reference to this Declaration to the Imperial Government. Now, the result of that is that although Australasia did include the Declaration of London in the agenda, they are the only Dominion to do so, and they condemn it, but they stand alone, and hence, according to the principles laid down in the despatch it is not included in the agenda, and will not be the subject of discussion at the approaching Conference. That is unfortunate. I want to call the attention of the Prime Minister to another answer he gave on the 23rd of March to see whether he holds the same opinion now as then. I asked:

"Does the Government propose to make any representations in reference to this matter to the Imperial Government?"

The Prime Minister replied:

"As the whole subject of the Declaration of London deals exclusively with questions of international law, the Government of Canada, not being a sovereign Power, does not think itself justified to make official representation on such matters, but the question may be discussed informally with the Imperial Government at the next Imperial Conference."

There was a time when the First Minister had a much loftier conception of the status of Canada than this answer would indicate. There was a time, I think, coincident with the acquisition of the Cobden medal, when the right hon. gentleman realized that Canada was a nation, and had all rights of a nation, sovereign and otherwise. But the Prime Minister is very modest at this time, and because Canada is not a sovereign nation he would not venture to suggest a subject for discussion at the Imperial Conference. Australia was not so modest.

Mr. MACDONALD (Pictou): Does not a perusal of this correspondence show conclusively that there was before the Government here in Canada at the date when the minute of Council was passed on January 11, a despatch of the 19th of December in which the New Zealand proposals were discussed?

Mr. LENNOX: Quite true, but on the other hand this is not made the subject of the British agenda, and it would probably have been made the subject of discussion if this Government had added its agenda to the others, and had, therefore, come within the rule I have already quoted. Thus, by our Government taking the position they have they could not say one word upon this matter either by way of agenda or by communication with the British Government; they have let this matter go wholly by default. Although the Government thought they had not the power or the right, not being a sovereign Power, to say one word upon this question, boards of trade and others thought they had the right to make their representations, and those representations have been regarded and recognized and dealt with very carefully by Sir Edward Grey. For instance, the Glasgow Chamber of Commerce.

Sir WILFRID LAURIER: Hear, hear.

Mr. LENNOX: The Leeds Ship Owners' Society—

Sir WILFRID LAURIER: Hear, hear.

Mr. LENNOX: The Navy League (Bristol branch), the Belfast Chamber of Commerce, all these thought they had a perfect right to send in representations, and those representations have been very courteously received and discussed. The Prime Minister, I think, is about to say let our boards of trade do the same, but although our boards of trade probably could do the same, it would have come with very much greater force, and have had very much greater influence if the Government had discharged their duty in this regard, and had themselves submitted something in reference to this matter. As it is, I may say the Government have put themselves out of Court, and will not be in a position to deal with it even informally when the Conference assembles.

At six o'clock, House took recess.

After recess.

House resumed at eight o'clock.

Mr. LENNOX: I was referring, Mr. Speaker, to some statements which the right hon. the Prime Minister made regarding the position in which our representatives at the Imperial Conference would be placed. With the greatest deference to the right hon. gentleman, I have to register my dissent from the proposition broadly advanced by him, namely, that the work not disposed of at the late Conference must of necessity come up again for discussion without being put upon the agenda. The resolution, for instance, adopted in 1902, in favour of preferential trade within the Empire and reaffirmed in 1907, he said was a permanent question which must automatically come up at every Conference. I entirely dissent from that proposition, and I think I made it clear before recess that such will not be the case. In justice to the right hon. gentleman I must say that after I had for the second time called his attention to the position in that matter, he said that of course the questions which were on the agenda, as finally prepared by the Imperial authorities or the secretariat, would necessarily come up first. On previous occasions, he added, other matters which were not on the agenda were discussed. I am not at all disposed to say that if there were ample time for discussion, any important subject might not, by common consent, be taken up, even if not on the list; but I say distinctly that there is no ground for the belief that this important question will have any place in the discussion at the approaching Conference.

My right hon. friend said that there would be four or five weeks for discussion, but in that he was wrong. True, the period of duration is from the 22nd of May to the 22nd of June, but the correspondence distinctly calls the attention of the Government to the fact that there are actually only fifteen days available for discussion; and after sifting the matter out, the British agenda, framed upon the basis of all the agendas put in, excludes the important matters to which my right hon. friend mainly gave his attention this afternoon.

For instance, if I understood him aright, he regards as of most vital importance the question, which was discussed in 1902 and 1907, of closer trade relations among the different parts of the Empire. But that subject does not form the basis of any discussion at the approaching Conference, so that the very first and most important question to Canada at present will be omitted, and omitted, I venture to say, because of the want of diligence and care on the part of this Government.

Then my right hon. friend said that the question of immigration is important, and ought to be discussed. In that connection, he said that he endorsed the opinion expressed by the hon. member for North Toronto (Mr. Foster). But here again we are out out. This is not one of the questions which is to be the subject of discussion at the Imperial Conference. The Government have been guilty of absolute neglect in this matter. That neglect becomes more apparent when we consider that when the report of the proceedings of 1907 was published, the secretariat in England points out that if the Dominions beyond the seas want assistance in any way in this matter, beyond what has been done in the lines of the regulations then before the Conference, it is for them to ask for it. My right hon. friend is, therefore, in this position. He recognizes the supreme importance of this question of immigration, and has before him the invitation of the home authorities to take action in the matter, and yet he has absolutely done nothing. It is not even to be the subject of discussion at the coming Conference.

Again, he said that naturalization is a very important matter, and that uniform laws of naturalization would be very beneficial indeed. Whoever, he said, represents Canada at the Conference will point out to the representatives of New Zealand,

Australia, and South Africa the importance of uniform laws on naturalization. But naturalization will not be a subject of discussion at the Conference because our Government has not seen fit to ask that it be put on any agenda, but has practically thrown away the situation by its cold-hearted treatment of that question. Allow me to read what has been said about that. It cannot be said that our Government did not say anything, but it can be said that it did nothing. The Order in Council goes on in this way:

Your Excellency's advisers would welcome a suggestion looking to uniformity, as far as practicable in the naturalization laws throughout His Majesty's Dominions.

Well, those who have charge of this matter have not asked that it be put upon the agenda. It is not too much to say that the Dominion Government from November to the end of January, when this matter was taking definite form, evidently had their eyes elsewhere, and had their attention centred in another direction altogether away from Britain. They were looking to Washington more than to Britain, and the result is there is not on the agenda one important question in which Canada is interested at present.

I have shown that these matters, which the Premier acknowledges are all important—preferential trade, immigration, and naturalization—are all excluded from the agenda, and excluded because of want of care and attention on the part of the Dominion Government.

Referring to the Declaration of London, I want just to read what Australia has to say on that question. Australia says:

That it is regretted that the Dominions were not consulted prior to the acceptance by the British delegates of the terms of the Declaration of London; that it is not desirable that Great Britain should adopt the inclusion in Article 24 of foodstuffs, in view of the fact that so large a part of the trade of the Empire is in those articles; that it is not desirable that Great Britain should adopt the provisions of Articles 48-54, permitting the destruction of neutral vessels.

I will not trouble the House with a number of quotations from memorials to the Government of Great Britain in reference to the Declaration of London which I have before me. The Chambers of Commerce, that of Glasgow particularly, go into the matter very fully, and point out the serious effect it may have on commerce in including foodstuffs and other articles that were not included before. I might read a line or two of what is quoted here as the language of the Liverpool Steamship Owners' Association in discussing this point:

Our safety depends upon our being able to keep at sea not only our fighting, but also our merchant, ships. If our trade routes cannot be adequately defended by our navy, then the nation must assume the financial risks to which our merchant ships and their cargoes would be exposed, for we must keep these at sea. A war which would drive our mercantile flag from the sea and transfer our carrying trade to neutral ships would leave us in a state of hopeless bankruptcy.

I need hardly point to the fact that as Canada is dependent, up to the present time at all events, for her export trade mainly upon the markets of Great Britain—whatever may be our fate in the future—it is all-important to us that we shall not be put in such a position that our commerce may be seized at any moment, and the onus placed on us of proving that it is not contraband of war.

The right hon. Prime Minister (Sir Wilfrid Laurier) in answer to me the other day, said that the Government had considered this question. I am indebted to the right hon. gentleman for intervening this afternoon to tell me to what extent they have considered the matter. I asked him to do so, and he has disclosed, very effectively I think, that he considered it simply not at all. No interest has been consulted, no measures have been taken, practically no consideration has been given to the subject. And in this and the other important questions that should come up for discussion before this Conference—a Conference which, it is true, has no binding force as a constitutional tribunal, but yet which has great moulding force upon the destinies of the whole Empire, I feel that I cannot too strongly impress upon the House the utter neglect of the Government in being at the tail of the race in this important matter, when all the other self-governing portions of the Empire have been on the alert. New Zealand sends in its agenda covering a wide range of subjects. The first is the re-constitution of the Colonial Office, a subject which, in

every one of its subdivisions, is as important to Canada as to New Zealand. Another point is the interchange of civil servants—I have not formed an opinion upon that question. Another subject is universal penny postage, which is as important to Canada as to the rest of the Empire. Then there is the question of State-owned Atlantic cable, and State-owned telegraph lines across Canada. Surely Canada ought to have some idea about a proposition of that kind; Canada ought to be the first in the field in such a matter. Other subjects proposed by New Zealand are the cheapening of cable rates, development of telegraphic communication within the Empire, the All-Red Route—one would have thought that the Government, if they are still desirous in maintaining close relations with Great Britain, would have been active in relation to the All-Red Route; but, not a word—and an Imperial court of appeal. And there are many other items, many of them with sub-heads, covering in all about two dozen different subjects, in each of which Canada should have a word to say. My right hon. friend (Sir Wilfrid Laurier) says Canada will be prepared to discuss these matters. That is hardly enough. We ought to have a policy upon these subjects, and that policy ought to be known to Parliament, and Parliament ought to have an opportunity of speaking in a friendly way with the Government before sending our representatives, and advising with them as to how much of this programme they approve of, and how much they would urge the Government not to advance. Then, when we come to Australia, we find that they have two resolutions on commercial relations, and they propose also the discussion of naturalization, the Declaration of London, immigration, nationalization of the Atlantic cables, &c.—all subjects in which Canada should not be the last, but the leader. I can come to no conclusion—I regret it very much—but that the Government has had its attention so completely distracted in other directions, antagonistic in some respects to this principle of closer and more definite relations with Great Britain, that they have been prevented from paying the attention to this great and important subject that it deserves.

Mr. E. M. MACDONALD (Pictou): Anyone who has read the correspondence on the Imperial Conference of 1911, and has listened to the address of the hon. member for South Simcoe (Mr. Lennox) must marvel at and admire the ingenuity which enabled the hon. gentleman to spread over above an hour's argument his views as to the suppression of subjects for consideration before the Conference, and to set forth so many grounds of complaint without any justification for any of them. He has taken the ground that the Government should have gone into an elaborate agenda of matters to be submitted to the Conference. But he has ignored entirely the fact that the Government, when, in January last, it sent to the right hon. Mr. Harcourt, through the Governor-General, a statement of the matters on which they wished discussion, had before them, as indicated by the despatch from the Secretary of State to the Governor-General on the 19th of December, 1909, the proposals that were made by the New Zealand Government, and the long and detailed statement with regard to the matters proposed. Apparently my hon. friend (Mr. Lennox) complains that this Government did not repeat in detail each and every one of the subjects which he said were so important, and which were contained in the agenda from New Zealand. If he does not mean that, his argument has no meaning. He complained, for instance, that although New Zealand had distinctly and elaborately, in Section 10 of their agenda, set forth the proposition of a mail route between England, Australia, and New Zealand via Canada, Canada had said nothing about it. It was not necessary for Canada to say anything about it. Canada had already before her the proposition made by New Zealand, and the answer of this Government in fact expressed its willingness to discuss at the Conference the proposition submitted by New Zealand. So with regard to the other subjects mentioned by my hon. friend. For instance, he says it is impossible to discuss at this Conference the question of closer trade relations with the Mother Country. As indicated by the right hon. gentleman, that is a subject which had always been discussed at these Conferences, and, of course, will be again. But that subject is referred to by the different agenda submitted by the other nations of this Empire, and stands for full consideration again.

Mr. LENNOX: Although there are a great many subjects suggested by Australia and by New Zealand, we are confined to subjects that are included in the agenda prepared by Britain, and this subject is not included in that agenda.

Mr. MACDONALD: If my hon. friend will read the documents carefully, he will see that in this statement prepared by the Secretary of State to be found on page 10 of the report, the subjects referred to are set forth by him. For instance, my hon.

friend indicated that the question of immigration could not be discussed because, he says, this Government had not submitted certain statements in response to their request for information. My hon. friend ignores the fact that on page 9 of the statement made by Australia, there are set out in detail the various propositions in regard to the matters mentioned, and it is stated in the final statement of the Secretary of State on page 11 that immigration is one of the subjects that is to be discussed. So where my hon. friend gets a basis for his reasoning, I am at a loss to discover. Take again the question of the Declaration of London, my hon. friend seemed worried because this Government had not deliberately undertaken to interfere in what is strictly an international matter, a matter of international law. It is something which this Government should not ask the farming interests of this country and boards of trade to offer an opinion upon, because it is a very intricate question of international law. What would be thought of Canada if she should undertake to interfere in a matter which is distinctly a proposition for the Secretary of State for Foreign Affairs? We were dealing with the Secretary of State for the Colonies, concerning the relations that exist between the Colonies and the Mother Country, yet my hon. friend thinks this Government is to be condemned because it did not unnecessarily rush in and express an opinion on a subject which would not come before the Conference at all.

One of my objects in rising was to discuss the question of naturalization, which is one in which I am much interested myself. I believe with the Government that the proposition is one of the very first importance, and should engage the close attention of this Conference. My hon. friend undertakes to say that this Conference cannot deal with it notwithstanding the fact that Australia has mentioned that subject, and that Canada has mentioned it. Let me refer my hon. friend to what the Secretary of State for the Colonies says in his correspondence:

The resolution of the Commonwealth of Australia as to naturalization leads me to observe that this question of uniformity of law is essentially a technical question, and as such may more properly be remitted to a committee of the full Conference sitting as a subsidiary conference.

So the Secretary of State distinctly provides for a full and complete consideration of this important question of naturalization all over the Empire. It seems to me that my hon. friend is going very far to find a ground of complaint against this Government when he urges that they have failed in their duty because they did not sit down and write over again matters that had already been proposed by the sister States. On this question of naturalization I would like to point out that it is the bounden duty of every man who loves this Empire, and is interested in its preservation and extension, to look forward to some action being taken by the Imperial Conference to provide that a man in any portion of this Empire, who has been naturalized according to the laws of the State where he is, shall become a citizen of the Empire by virtue of that naturalization, and be deemed a British subject wherever the British flag flies. It is one of the greatest anomalies to talk about building up an Empire on the basis of a tariff for war, and all questions of that kind, when you leave the foundation stone absolutely unlaidd, when you have no provision that a citizen of this Empire, no matter in what Colony he may live, shall have the full and complete rights of any other citizen, whether he be born here or in the Mother Country. The very foundation of a national feeling which would permeate every part of the Empire is lacking when a man in Canada, or Australia, or South Africa is not recognised as a British citizen, once he has complied with the laws of the State in which he is living, and is there regarded as a citizen. It seems to me that is a question which urgently calls for consideration at this Conference. We have other problems suggested here, in regard to amendments to the laws, in regard to provisions for closer communication by cable and by vessel, on land and on sea; but if you are going to ignore altogether the essential basis of the Empire, that a man who lives in any one of the States or Colonies of the Empire shall be a citizen of every other part of the Empire, there is very little good in providing for fast steamships and State-owned cables. I hope that this question, which this Government has brought forward, and which has been suggested by some of the sister States, will be solved by this Conference. There ought to be co-ordinate action by the Mother Country and each one of the oversea States that will settle this question satisfactorily.

Motion agreed to, and House went into Committee of Ways and Means.

COLONIAL OFFICE to SIR J. WARD and DR. J. G. FINDLAY.

(Confidential.)

SIR, Downing Street, 25 April, 1911.
I AM directed by Mr. Secretary Harcourt to transmit to you, for your information, the accompanying printed papers* with respect to the Imperial Conference of 1911.

2. The memoranda and despatches which are enclosed deal with the following questions included in the agenda proposed for the Conference by the Governments of the Dominions:—

- The publication of the Proceedings of the Conference (New Zealand Resolution No. 1).
- The Interchange of Civil Servants (New Zealand No. 4).
- Universal Penny Postage (New Zealand No. 5).
- State-owned Atlantic Cable (New Zealand No. 6, Australia No. 9).
- State-owned Telegraph lines across Canada (New Zealand No. 7, Australia No. 9).
- Cheapening of Cable Rates (New Zealand No. 8).
- Imperial Court of Appeal (New Zealand No. 11, Australia No. 11).
- Uniformity of Law with regard to Accident Compensation (New Zealand No. 12).
- Naturalisation (New Zealand No. 12, Australia No. 5, South Africa No. 5).
- Immigration and Aliens Exclusion (New Zealand No. 12).
- Coinage, Weights, and Measures (New Zealand No. 12, Australia No. 10).
- Reciprocity in Law as to Destitute Persons (New Zealand No. 14).
- Payment of Double Income Tax and Death Duties (New Zealand No. 15, South Africa No. 6).
- Imperial Stamp Duties on Colonial Bonds (New Zealand No. 16).
- The Declaration of London (Australia No. 6).
- Shipping Combines (South Africa No. 2).

3. I am also to enclose copies of a despatch† from the Secretary of State on the question of Uniformity in the Law of Patents and Trade Marks (New Zealand No. 12, Australia No. 4) and of a despatch‡ from the Governor-General of the Commonwealth with regard to the Resolution (No. 8) proposed by the Government of Australia as to the Law of Conspiracy, together with copy of a telegram§ which has been addressed to the Governor-General of the Commonwealth asking for further information as to the second Resolution which it is proposed to bring forward at the Conference with regard to Commercial Relations and British Shipping, and a copy of the telegram|| from Lord Islington submitting the views of your Government as to Uniformity of Company Law. (New Zealand No. 12.)

4. It is hoped to circulate materials respecting some of the other Resolutions before the Conference meets. Statistics of trade in connection with the 1st Australian Resolution have been forwarded in proof form to the Dominions Governments, and it is hoped that these will be available in their final shape at an early date.

5. I am also to enclose memoranda¶ on Labour Exchanges, arrangements for the expulsion of undesirable aliens, and proposals for the enforcement of Commercial Arbitration Awards, which subjects are proposed for discussion by the Imperial Government. It is not proposed to bring forward the question of a Uniform Design for Stamps, but I am to enclose a memorandum** with regard to the extension of the Imperial Postal Order Scheme which has been prepared by the General Post Office for discussion at the Conference.

I am, &c.,
H. W. JUST.

* See Nos. 72, 323, 256, 271 and 277, 137, 447, 298, 300, 288, 289, 297, 394, 423, 425-7, 431, 415, 419, 310, 383, 158 and Miscellaneous No. 222.

† Nos. 207 and 208. ‡ No. 433. § 4353 in Dominions No. 18. || No. 215.

¶ Enclosures in Nos. 111, 462, and 389. ** Enclosure in No. 275.

[Cd. 5513.]

- Memorandum *re* publication of proceedings of Conference.
- " " exchange of Civil Servants.
- " " Universal Penny Postage.
- " " State-owned Atlantic Cable.
- " " " " Telegraph Line across Canada.
- " " Cheapening of Cable Rates.
- " " Imperial Court of Appeal.
- Despatch to Dominions *re* Patent and Trade Marks Law.
- Telegram from the Governor of New Zealand *re* Company Law.
- Memorandum *re* Accident Compensation Law.
- Despatch to Dominions of 15 February and 2 March *re* Naturalization.
- Report of Interdepartmental Committee on Naturalization.
- Despatches from and to Australia of 24 December, 1909, and 3 June, 1910, as to Naturalization.
- Despatch from Governor-General of South Africa, 25 January, 1911, as to Naturalization.
- Memorandum by Home Office *re* Immigration Law.
- Despatch to Dominions *re* Coinage, Weights, and Measures.
- Memorandum by Local Government Boards of England, Scotland, and Ireland, and letters from Home Office and Board of Trade *re* Destitute Persons Law.
- Letter and Memorandum by Treasury *re* Double Income Tax and Estate Duties.
- Memorandum by Treasury *re* Stamp Duties on Dominion Securities.
- Telegram to Governor-General of Australia *re* Australian Navigation Resolution.
- Memorandum *re* Declaration of London (Confidential).
- Despatch from the Governor-General of Australia *re* Law of Conspiracy.
- Memorandum by Board of Trade on Shipping Combines.
- " " " " Labour Exchanges.
- " " Home Office on Expulsion of Undesirable Aliens.
- " " General Post Office on Imperial Postal Order Scheme.
- " " Board of Trade on Commercial Arbitration Awards.

12777

No. 79.

COLONIAL OFFICE to SIR J. WARD and DR. J. FINDLAY†.

SIR, Downing Street, 25 April, 1911.
I AM directed by Mr. Secretary Harcourt to transmit, for your information, the accompanying Hansard report* of a debate in the House of Commons on the 19th of April respecting the Imperial Conference.

I am, &c.,
H. W. JUST.

12777

No. 80.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

- (Canada. No. 283.) (New Zealand. No. 151.)
- (Australia. No. 189.) (Newfoundland. No. 93.)
- (South Africa. No. 189.)

MY LORD.

SIR,

Downing Street, 26 April, 1911.

I HAVE the honour to transmit to [Your Excellency] [you], for the information

* Vol. 24, No. 51, pages 958-999.

† NOTE.—A similar letter was sent to the other Dominions' representatives upon their arrival in London.

of your Ministers, the accompanying Hansard report* of a debate in the House of Commons on the 19th of April on the subject of the Imperial Conference.

I have, &c.,
L. HARCOURT.

No. 81.

MEMORANDUM ON THE WORK OF THE IMPERIAL SECRETARIAT.

The members of the Imperial Conference Secretariat during 1910-1911 were as follows:—

Secretary: H. W. Just, C.B., C.M.G.

Assistant Secretaries: W. A. Robinson, H. E. Dale.

Clerk: A. Berriedale Keith.

Mr. H. E. Dale retired in 1910 on appointment to be Secretary to the Development Commissioners, and Mr. Robinson then became Senior and Mr. Keith Junior Assistant Secretary.

In accordance with the first resolution of the Colonial Conference of 1907, the duties of the Secretariat are to obtain information for the use of the Conference, to attend to its resolutions, and to conduct correspondence on matters relating to its affairs. The detailed arrangements for the constitution of the Conference are given in a despatch of September 21st, 1907, which is published in Parliamentary Paper [Cd. 3795]. The correspondence which has taken place since 1907 with regard to the resolutions of the Conference and the preparation of questions for the Conference of 1911 has been published, so far as it is not confidential, in Parliamentary Paper [Cd. 5273]. The main results of this correspondence may be briefly summarized.

In accordance with an arrangement made with the Government of Newfoundland, the Governments of the self-governing Dominions and the Australian States have been invited to arrange for the mutual exchange of the legislation passed annually in each Dominion or State, and arrangements have already been made by most of the Dominions and States to secure that this shall be done. The more important laws of the Dominions are included in the Appendix to this Report.

In accordance with the third resolution of the Conference of 1907, steps have been taken in Canada and the Commonwealth of Australia to establish branches of an Imperial General Staff charged with the study of military science, the collection of military information, and the preparation of schemes of defence on common principles. Steps have also been taken to secure the sending of properly qualified officers from the Dominions to the Staff College in England, and the command of the 5th Infantry Brigade at Aldershot has been accepted by Colonel R. H. Davies, C.B., of the New Zealand Military Forces.

In accordance with the fifth resolution of the Colonial Conference, steps have been taken to simplify the procedure in appeals from the Supreme Courts of the Dominions to the Judicial Committee of the Privy Council, and power to grant special leave to appeal in any case has been delegated to the Supreme Courts, thus avoiding the necessity in cases in which no appeal lies as of right of an application to the Privy Council for special leave, involving the expense and delay of a reference to England. To effect this end, Orders in Council have been issued for the Dominion of New Zealand, Newfoundland, the Provinces of New Brunswick, Manitoba, British Columbia, Prince Edward Island, Alberta, and Saskatchewan, in Canada, and all the States of the Commonwealth of Australia. An Order in Council relating to procedure only has been issued in respect of appeals by special leave from the High Court of Australia to the Privy Council.

Steps have been taken for the appointment to all the Dominions of British Trade Commissioners, who are charged with the duty of informing the Home

Government and home manufacturer and others of business matters affecting the Dominions in which they are resident. They also supervise the work of the existing local correspondence of the Board of Trade, and generally they afford British manufacturers the same sort of assistance as is now given by British Consuls in foreign countries. In their work they have received the fullest co-operation and assistance of the Dominions Governments.

In accordance with the tenth resolution of the Colonial Conference of 1907, the Government of Canada has imposed certain restrictions on the participation of foreign vessels in the coasting trade.

Considerable correspondence has passed with regard to the eleventh resolution on the subject of Treaty obligations. In accordance with the spirit of the resolution, in all matters affecting the Dominions care has been taken to secure that they shall be fully consulted, and the constitutional practice of thus consulting the Governments of the Dominions is formally recognized in the Anglo-United States Arbitration Convention of 1908. Steps have also been taken to obtain, from the Government of Paraguay in respect of the Treaty of 1884, from the Government of Egypt in respect of the Treaty of 1889, and from the Government of Liberia in respect of the Treaty of 1848, the right of separate withdrawal for any Dominion which so desires.

In accordance with the thirteenth resolution of the Colonial Conference, memoranda have been prepared by the Board of Trade as to patents and to trade marks, and sent to the various Governments. The Government of Canada was, however, of opinion that the advantages of uniformity were not sufficient to outweigh the disadvantages of the confusion involved by a change of the existing law. The Commonwealth of Australia, by Act No. 17 of 1909, accepted certain of the alterations suggested by the Board of Trade, and the Government of New Zealand are also prepared to alter their law in the direction of uniformity.

In accordance with the fourteenth resolution, steps have been taken to secure uniformity in trade statistics. The suggestions of the Board of Trade were accepted in the main by the Governments of Canada, the Commonwealth, New Zealand, and the Union of South Africa, and in particular it has been arranged that the statistics shall distinguish between trade with the United Kingdom, with British possessions, and with foreign countries.

In accordance with the fifteenth resolution, the Dominion Government and the Governments of the Australian States were invited to take steps to secure uniformity in Company Law. The Governments of the States were disposed to leave the matter for the action of the Federal Parliament, and it is proposed by that Parliament to take extra powers with regard to company legislation which will be submitted to a referendum on April 26th, 1911. Pending the assumption of such powers, it is not probable that any further steps can be taken. Legislation in Canada has been delayed by disagreements between the Dominion and Provincial Governments as to the extent of the powers of the Dominion and Province respectively, but British Columbia has passed a Corporation Act. The Government of New Zealand consolidated its company legislation in 1908.

Steps have been taken to arrange for a subsidiary Imperial Conference to be held prior to the Imperial Conference, at which the question of reciprocity between the several parts of the Empire in matters connected with the examination and authorisation of surveyors will be discussed. Owing to the fact that the re-organization of the Civil Service in South Africa consequent upon Union has not yet been completed, it has unfortunately not been found possible to arrange for the representation of South Africa at the Conference, nor has the Government of Newfoundland been able to undertake to send a delegate. The Australian States, with the exception of South Australia, and the Government of New Zealand, the Government of the Commonwealth, and the Dominion of Canada will, however, be represented.

The question of naturalization, which formed the subject of the nineteenth resolution of the Colonial Conference, has been fully considered by an Inter-departmental Committee consisting of representatives of the Home Office, the Foreign Office, the Colonial Office, and the India Office. The report* of the Committee was

* Miscellaneous No. 222.

forwarded to the Governments of the several Dominions, and it has been arranged that the whole question shall be discussed further at the Imperial Conference with a view to arriving at some common basis of agreement.

The question of naval defence was discussed at length at a subsidiary Imperial Conference in July and August, 1909, results of which are published in Parliamentary Paper [Cd. 4948]. Legislation has been passed in accordance with the results of the Conference and of the subsequent correspondence with the Dominion of Canada, the Commonwealth of Australia, and the Dominion of New Zealand.

In accordance with the agreement arrived at at the Colonial Conference, steps have been taken by the Commonwealth Government to arrange for the issue of a silver coinage for the Commonwealth, while His Majesty's Government have undertaken to redeem all British token coin at its face value, the method of withdrawal of the existing coinage being arranged in conjunction with the Commonwealth. The new silver coinage will come into use in the course of the year 1911.

Arrangements have also been made for the exchange of light gold coin at the Sydney and Melbourne Branches of the Royal Mint.

Correspondence has passed with regard to representations made by the Conference of Premiers of the Australian States held at Melbourne in 1908, which resolved that stamp duties upon the issue of Colonial Government securities should be abolished by the Imperial Government. It has been found impossible to accept this proposal, as these stamp duties are not really levied upon the issue of Government securities but represent compensation for the duties payable by holders of the stock upon the transfer from one holder to another, and to remit these duties would therefore merely be for the Crown to transfer to the Dominion Governments revenues which are properly receivable by the Imperial Government from persons resident in the United Kingdom.

In 1910 a subsidiary Imperial Conference was held with regard to the question of copyright, at which the Imperial Conference Secretariat was represented by the Secretary. An agreement was arrived at as to the powers of Dominion Parliaments and the acceptance of the revised Convention of Berlin of 1908. The results of the Conference are set out in Parliamentary Paper [Cd. 5272].

In accordance with the representations made at the Colonial Conference by Sir Wilfrid Laurier, the Board of Agriculture has given careful consideration to the question of the prohibition of the importation of live cattle from Canada into the United Kingdom. It has, however, been found possible to lessen the restrictions on this importation, in view of the necessity of maintaining the freedom of Great Britain from disease and in view of the fact that the restrictions have not prevented the transaction of a large and steadily-growing trade.

The question of the existing facilities for marriage between British subjects resident in the United Kingdom and British subjects resident in the Dominions, which was brought before the Colonial Conference in 1907, but which could not then be discussed for want of time, has been dealt with in correspondence. It appears that in the Dominions generally the want of facilities is by no means strongly felt, and that the chief difficulty lies in the marriage of persons coming from the Colonies who desire to be married in England. There is, however, also a difficulty in that persons going from England to the Colonies are not at present able to take with them any certificates showing that there is no legal impediment to marriage, and it has accordingly been proposed that a Bill should be passed by the Imperial Parliament which will authorize the acceptance in this country of certificates authorizing marriage issued in the Dominions and permitting the giving of such certificates in England if the Dominion Governments are prepared to accept them.

Efforts have been made since the Conference of 1907 to secure a reduction in the Suez Canal dues, but difficulties have been raised by the fact that the Council of the Canal Company feel that their first duty is to provide adequate facilities for the further development of the Canal traffic by widening and deepening the Canal so as to allow it to be used by larger ships than those which at present make use of it. His Majesty's Government have, however, found it possible to secure a reduction from £s. 7.75 to £s. 7.25 a ton, which has taken effect from the 1st of January, 1911.

1 (b) Transmission of Acts of Parliament and Exchange of Acts among the Dominions.

10507

No. 82.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. 250.)
(Australia. 138.)
(South Africa. 25.)
(New South Wales. 51.)
(Victoria. 34.)
(Queensland. 42.)

(Western Australia. 28.)
(South Australia. 29.)
(Tasmania. 27.)
(New Zealand. 75.)
(Newfoundland. 51.)

MY LORD,
SIR,

Downing Street, 8 April, 1910.

I SHOULD be glad if you would invite the co-operation of your Government in carrying out the following suggestions in connexion with the regular and prompt transmission of copies of Acts of Parliament from the Dominions to this country.

2. It appears to be of convenience and advantage to secure that, in every case, as soon as legislation is passed, a copy of the Act should be forwarded for the use of the Library of this Department, so that all Colonial legislation should reach this Department automatically and be accessible, if required. Six copies would, in ordinary circumstances, be sufficient for immediate purposes, but, in the case of Acts of importance and possessing an interest to other Departments of State in this country or to some other Dominion, twenty copies would be desirable.

Eventually, of course, volumes of the legislation enacted in each Dominion during the year would reach the library of this Office, as has always been the practice.

3. It would also be convenient that one copy should in all cases be transmitted for the use of the Law Library which has been established at the Privy Council Office for the use of counsel practising before the Judicial Committee, or others interested.

The simplest method of supplying the library at the Privy Council Office would seem to be to address an envelope with a separate copy to the Registrar, Privy Council Office, which would then be forwarded from this Department.

4. It is also suggested that it would be of advantage that the Parliamentary Library of each Dominion should be supplied, by a reciprocal arrangement, with the legislation of the sister Dominions, from time to time, at the end of each session of Parliament, if in any cases this is not already the custom. The clerk of the library of the Legislature in each Dominion would appear to be the proper channel of communication for this purpose, and possibly means might be found of placing the legislation in some separate room or division, and of so rendering it accessible at certain times to counsel, students, or others interested, as is done at the Privy Council Office here.

5. It will, of course, be understood that no alteration should be made in the present practice of sending home by despatch sealed copies of each Act as assented to, accompanied by the usual reports from the Attorney-General for the signification of His Majesty's pleasure.

[(To Canada only.)] 6. It would be convenient that the practice indicated above should also be followed with regard to the legislation of the Provinces of the Dominion.

I have, &c.,
CREWE.

16631

No. 83.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 2 June, 1910.)

(No. 62.)

MY LORD,

Government House, St. John's, 19th May, 1910.

In reply to your Lordship's despatch, No. 51, of the 8th of April,* I have the honour to enclose a copy of a letter which I have received from the Colonial Secretary on the subjects therein dealt with.

I have, &c.,

RALPH WILLIAMS.

Enclosure in No. 83.

Colonial Secretary's Office, St. John's, Newfoundland,

May 5, 1910.

SIR,

REFERRING to your favour of the 5th instant, forwarding copy of despatch, No. 51, of 8th April, from the Right Honourable the Secretary of State for the Colonies, regarding the regular and prompt supply of Acts of Parliament passed by the Legislature of Newfoundland, I have the honour to state that I shall bring the matter to the attention of the Internal Economy Committee of the Legislature, with a view to their making arrangements for the despatch of legislation that has passed both Houses. I am afraid, however, that the only copies that can be forwarded are the Bills, duly corrected by hand, as the printing of the Acts is not proceeded with until the close of the session. The Governor rarely gives his assent to legislation until the last day of the session, so that the corrected copies of Bills would represent the result after consideration and passing by both Houses of Parliament, and prior to the giving assent to the same by the Governor. It may, however, be possible for the Legislature to arrange that the type of the Bills may be left standing, when the necessary corrections or additions could be made, and a number of impressions taken in the form in which the legislation will be submitted to the Governor for his assent. If this can be carried out it will, I expect, answer every practical purpose, pending the receipt of the printed volumes five or six months later.

2. If the above can be carried out, one copy will also be forwarded for the use of the Law Library at the Privy Council Office.

3. The suggestion as to the supplying to the Parliamentary Library of each Dominion of legislation passed from time to time will also be brought to the notice of the Internal Economy Committee.

4. I note that there will be no alteration in the present practice of sending home sealed copies of each Act, accompanied by the report of the Attorney-General.

I have, &c.,

R. WATSON,

Colonial Secretary.

His Excellency

Sir Ralph Williams, K.C.M.G.,

&c., &c., &c.

20370

No. 84.

WESTERN AUSTRALIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 4 July, 1910.)

(No. 36.)

MY LORD,

Government House, Perth, 6th June, 1910.

WITH reference to your Lordship's despatch, No. 28, of the 8th April,* relative to copies of Acts of Parliament being forwarded to the Library of the Colonial

* No. 82.

Office, I have the honour to state that my Ministers have informed me that orders have been departmentally issued by them to comply with the instructions contained in your Lordship's despatch.

I have, &c.,

G. STRICKLAND,

Governor.

(No copy to Governor-General.)

21042

No. 85.

NEW SOUTH WALES.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 11 July, 1910.)

(No. 71.)

State Government House, Sydney,

MY LORD,

4th June, 1910.

REFERRING to your Lordship's despatch of the 8th April, 1910, No. 51,* in regard to action being taken to ensure the regular and prompt transmission of New South Wales Acts so soon as passed, I have the honour to inform your Lordship that Ministers advise me that the course indicated in paragraphs 2 and 3 of the despatch above-mentioned will be at once adopted, and that the question of entering into an arrangement with the sister Dominions for the interchange of copies of Acts as they become law will receive the consideration of the Government.

I have, &c.,

CHELMSFORD,

Governor.

(Copy not sent to Governor-General.)

21982

No. 86.

VICTORIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 18 July, 1910.)

(No. 44.)

State Government House, Melbourne,

MY LORD,

9th June, 1910.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 34, of the 8th April last,* respecting the transmission of copies of Acts of Parliament from this State.

2. With reference to paragraph 2 it has been the practice for some time past to forward to the Colonial Office six copies of Acts of Parliament as well as all other Parliamentary papers as soon as they are printed. Twenty copies of Acts possessing an interest to other Departments of State will be forwarded in future as requested. The practice of forwarding twenty-six bound volumes of the Acts in compliance with Section 186 of the Colonial Regulations will be continued.

3. With respect to the proposal in paragraph 3, that a copy of each of the Acts of this State should be forwarded to the Law Library of the Privy Council Office, I beg to refer your Lordship to my despatch, No. 8, of the 7th February last,† My Ministers are still of opinion that this is a matter that more properly appertains to the Commonwealth Government than to the Governments of the States.

4. As to the suggestions in paragraph 4, my Ministers inform me that there is already an interchange of copies of Acts between the Parliamentary Library of this State and the Parliamentary Libraries of the other States and the Dominions

* No. 82.

† 8171 : not printed.

of the Empire, except the newly-formed South African Union, with regard to which reciprocal arrangements will doubtless shortly be made.

I have, &c.,
THOS. W. GIBSON CARMICHAEL.

(A copy of this despatch has not been sent to the Governor-General.)

24329

No. 87.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8 August, 1910.)

(No. 36.)

My LORD, Government House, Adelaide, 6th July, 1910.
WITH reference to your Lordship's despatch, No. 29, of the 8th April,* I have the honour to inform your Lordship that the necessary instructions have been given in compliance with your Lordship's suggestion as to the transmission of copies of Acts of Parliament.

2. With regard to paragraph 4 of your Lordship's despatch, the Parliamentary Library of this State has already reciprocal arrangements with every Dominion, State, and Colony of the Empire.

I have, &c.,
DAY H. BOSANQUET.

(Copy sent to Governor-General.)

25674

No. 88.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20 August, 1910.)

(No. 103.)

My LORD, Governor-General's Office, Pretoria, 30th July, 1910.
WITH reference to your Lordship's despatch of the 10th June, No. 25,* I have the honour to enclose, for your information, a copy of a minute from Ministers of the 11th July, 1910, on the subject of the transmission of copies of Acts of Parliament.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 88.

(Minute No. 177.)

Union of South Africa, Prime Ministers' Office,
Pretoria, 11 July, 1910.

Ministers have the honour to acknowledge the receipt of His Excellency the Governor-General's minute, No. 64/2/10, of the 4th July, on the subject of the supply of copies of Acts of Parliament to the Secretary of State for the Colonies, &c., and to inform His Excellency that every endeavour will be made with the officers of Parliament, on their appointment, to meet the wishes of the Secretary of State.

LOUIS BOTHA.

* No. 82.

31110

No. 89.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10 October, 1910.)

(No. 54.)

My LORD, Government House, Hobart, 3rd September, 1910.
WITH reference to your Lordship's despatch, No. 27, dated 8th April, 1910,* concerning the regular and prompt submission of copies of Acts of Parliament from the Dominions, I have the honour to enclose a communication received from the Premier on the subject.

I have, &c.,
HARRY BARRON,
Governor.

Enclosure in No. 89.

(5/7/10.)

YOUR EXCELLENCY, Premier's Office, Hobart, 27th August, 1910.
REFERRING to the accompanying despatch, No. 27, from the Right Honourable the Secretary of State for the Colonies, dated 8th April last, with regard to the transmission of copies of Acts of Parliament, I have the honour to inform you that, as desired, Acts will be sent as follows:—

To whom sent.	No. of Copies.
Privy Council Law Library ...	† 1 on passing of Act.
Colonial Office Library ...	1 Sessional Vol. of Acts.
	6 on passing of Act.
	1 Sessional Vol. of Acts.
Ditto ...	‡ 20 on passing of Act.
House of Commons ...	} 1 on passing of Act.
House of Lords ...	
Agent-General ...	
Parl. Library of each Dominion ...	1 Sessional Vol. of Acts.

It has been noted that where Acts of importance and possessing an interest to other Departments are concerned, 20 copies instead of six will be required.

With regard to paragraph 3, the Acts required for the Law Library at the Privy Council will be addressed as suggested.

In connection with paragraph 4, I am advised by the Clerk of the House that the Acts of most of the British Colonies are now received by the Parliamentary Librarian.

It is observed that no alteration is desired in the present practice of sending home by despatch sealed copies of each Act as assented to and accompanied by the usual reports from the Attorney-General for the signification of His Majesty's pleasure.

I have, &c.,
N. E. LEWIS,
Premier.

His Excellency the Governor,
Government House.

* No. 82.

† To be included with copies sent to Colonial Office, but enclosed in an envelope addressed to the Registrar, Privy Council Office.

‡ The additional 20 copies only required if of interest to Departments of State.

19959

E 4

31568

No. 90.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15 October, 1910.)

(No. 205.)

My LORD, Governor-General's Office, Melbourne, 6th September, 1910.
 REFERRING to your Lordship's despatch, No. 138, dated 8th April, 1910,* relative to the supply of copies of Acts of the Commonwealth Parliament, I have the honour to transmit herewith a copy of a despatch which has been addressed to me upon the subject by His Majesty's Prime Minister of the Commonwealth. The documents referred to in the Prime Minister's despatch are being forwarded to your Lordship under separate cover.

I have, &c.,
 DUDLEY,
 Governor-General.

Enclosure in No. 90.

(10/3890.)

COMMONWEALTH OF AUSTRALIA.

My LORD, Prime Minister, Melbourne, 30th August, 1910.
 WITH reference to the Secretary of State for the Colonies' despatch, No. 138, dated 8th April last, relative to the supply of Acts of the Commonwealth Parliament, I have the honour to transmit herewith for favour of transmission to Lord Crewe six copies each of Acts Nos. 1, 2, 4, and 6 of 1910, and 20 copies of Act No. 3 of 1910.

2. As suggested in paragraph 3 of the Secretary of State's despatch now under reference, one copy of each of the Acts in question is forwarded, in a separate envelope, for the use of the Law Library which has been established at the Privy Council Office.

3. With regard to paragraph 4 of Lord Crewe's despatch, it may be mentioned that the question of the interchange of legislative measures between the Dominions is engaging the attention of the Parliamentary Library Committee.

I have, &c.,
 ANDREW FISHER.

His Excellency the Governor-General.

9842

No. 91.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25 March, 1911.)

(No. 182.)

SIR, Government House, Cape Town, 8th March, 1911.
 WITH reference to Lord Crewe's despatch of the 8th of September, No. 182,† I have the honour to inform you that my Ministers state, with reference to their minute of the 11th of July, of which a copy was enclosed in my despatch of the 30th of July, No. 103,‡ that arrangements have been made to comply with the wishes expressed by Lord Crewe in his despatch of the 10th June, No. 25,* in respect of the supply of copies of Acts of Parliament and of Provincial Ordinances.

I have, &c.,
 GLADSTONE,
 Governor-General.

* No. 82.

† 25674: not printed.

‡ No. 88.

2.

(Resolution III.). Imperial General Staff.

3361

No. 92.

AUSTRALIA.

WAR OFFICE to COLONIAL OFFICE.

(Received 2 February, 1910.)

SIR, War Office, London, S.W., 31st January, 1910.
 I AM commanded by the Army Council to acknowledge the receipt of the Colonial Office letter, No. 37894/1909, dated 6th December, 1909,* transmitting, for their observations, a despatch from the Governor-General of Australia, No. 247, enclosing copies of the Regulations and Orders issued by the Commonwealth Government for the formation of the Commonwealth Section of the Imperial General Staff. In submitting the following remarks I am to suggest that, if concurred in by the Earl of Crewe, they may be forwarded for the information of the Commonwealth Government.

2. With respect to Regulation 2A and Military Order 320—

(a) While the organization of the headquarters section of the Commonwealth Section of the Imperial General Staff in three Directorates appears to be well suited to meet local conditions, it is considered that the distribution of duties among the members of the headquarters section should now be brought into line with the general recommendations of the Imperial Conference on the Naval and Military Defence of the Empire, the proceedings of which had not reached the Commonwealth at the date of issue of the Regulations. A table showing the proposed distribution of duties is attached hereto.

(b) It is observed that the designation of the Chief of the Local Section in the Military Order No. 320 differs from the designation in Regulation 2A and the Gazette Notice, dated 23rd August. It was pointed out in the Memorandum of the Chief of the General Staff, dated 7th December, 1908,† which was sent to the Commonwealth Government, that the Imperial General Staff must be an entity and trained under one head, who must be the Chief of the Imperial General Staff in London. It is, therefore, considered that the Chief of the Local Section should be designated as in the Gazette Notice, viz., "Chief of the Commonwealth Section, Imperial General Staff," and not as in Military Order No. 320; the designation "Chief of the Imperial General Staff" being used only for the head of the Central Section in London.

(c) It is also thought that it would be advisable to alter the title "Director of Defence Organization" to "Director of Operations."

3. With respect to the 2nd paragraph of the Governor-General's despatch:—
 When the time arrives to create General Staff appointments in districts, the Central Section of the Imperial General Staff will be ready, if desired, to draw up, for the consideration of the Commonwealth Government, a list of duties for such appointments.

4. With respect to the final paragraph of the Governor-General's despatch:—
 Instructions have been issued that direct communications from the General Staff upon routine matters, which are taken to include advice upon purely technical questions, are to be addressed to the Secretary, Department of Defence; they will be signed by the representative of the Commonwealth attached to the War Office and initialled by the Chief of the Imperial General Staff or the Director of the Department concerned. All other communications will be forwarded through the Colonial Office as heretofore. It is requested that similarly direct communications from the Local Section to the Central Section may be addressed to the Secretary, War Office.

* No. 139 in Dominions No. 11.

† In No. 1 in [Cd. 4475].

The members of the Military Board having been authorised by the Minister of State for Defence to consult the Australian Representative attached to the Central Section, it is considered that their communications should be addressed in the same manner.

I am, &c.,
R. H. BRADE.

Enclosure in No. 92.

CHIEF OF THE COMMONWEALTH SECTION, IMPERIAL GENERAL STAFF.

War organization.
Plans for local defence.
Advice upon raising and disbanding units.
Supervision of the training of troops.
Education of officers.
Selection and administration of the General Staff.
Selection of officers for study at staff colleges and for exchange and for instruction abroad.
Collection of intelligence.
Issue of maps.
Censorship in time of war.
Libraries.

Director of Operations.	Director of Military Training and Staff Duties.	Director of Intelligence.
<ol style="list-style-type: none"> 1. Preparation of plans for local defence, including the preparation and maintenance and examination of defence schemes. 2. Regulation of traffic and examination service and consultation with local naval forces in connection therewith. 3. Advice, in consultation with Director of Intelligence, as to choice of sites for wireless telegraph and signal stations and use of wireless telegraphy in war. 4. War establishments.* 5. Advice upon patterns of war equipment and study of questions relating thereto. 	<ol style="list-style-type: none"> 1. Instruction and training of the Commonwealth forces for war on lines laid down in the Field Service Regulations.† 2. Manœuvres and courses for instruction, including examination of and action on manœuvre reports. 3. Staff tours and instructional exercises without troops. 4. Advice upon questions connected with the acquisition of training grounds and ranges. 5. Education of officers, including— <ol style="list-style-type: none"> (a) syllabuses of examination, both entrance and promotion; (b) setting papers and marking answers; (c) selection of officers for exchanges and instruction. (d) Military colleges and schools. 6. Revision of training manuals. 	<ol style="list-style-type: none"> 1. Collection of intelligence about the Commonwealth and countries in Southern Pacific, excluding New Zealand. 2. Mapping and reconnaissance of the Commonwealth. 3. Preparation and issue of maps. 4. Censorship in time of war. 5. General Staff libraries.

* Form the basis of peace establishments.

† Artillery practice and musketry are included under this head.

3361

No. 93.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to War Office, 7 February, 1910.]

(No. 46.)

MY LORD,

Downing Street, 4 February, 1910.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 247, of the 16th of October,* on the subject of the Commonwealth section of the Imperial General Staff.

* No. 138 in Dominions No. 11.

2. The proposals of your Government have received the careful consideration of the Army Council, who desire to make the following observations.

3. With respect to Regulation 2a and Military Order 320, the Army Council consider that while the organisation of the headquarters section of the Commonwealth section of the Imperial General Staff in three Directorates appears well suited to local conditions, it is desirable that the distribution of duties among the members of the headquarters section should now be brought into line with the general recommendations of the Naval and Military Defence Conference of 1909, the proceedings of which were not before your Ministers at the date of issue of the regulations. A table* showing the proposed distribution of duties is enclosed.

4. The Army Council observe that the title "Chief of the Commonwealth Section of the Imperial General Staff" is correctly given in the Gazette Notice of 28th August last, and that it would have been better for the sake of uniformity so to describe this officer in Military Order 320, and not as therein set forth, viz., "Chief of Imperial Staff General (Commonwealth Section)."

5. The Army Council also think that the title "Director of Defence Organization" should be altered to "Director of Operations."

6. With reference to paragraph 2 of your despatch under reply, the Central Section of the Imperial General Staff will be ready, if desired, when the time comes to create General Staff appointments in districts, to draw up, for the consideration of your Government, a list of duties for such appointments.

I have, &c.,
CREWE.

3361

No. 94.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to War Office, 5 March, 1910.]

(No. 88.)

MY LORD,

Downing Street, 4 March, 1910.

WITH reference to the fourth paragraph of my despatch, No. 46, of the 4th ultimo,† I have the honour to request that you will explain to your Ministers that the Army Council attach importance to the designation "Chief of the Imperial General Staff" being used only for the Head of the Central Section in London, because, as pointed out in the memorandum of the Chief of the General Staff, dated 7th December, 1908, which was enclosed in my despatch, No. 2, of 1st January, 1909,‡ the Imperial General Staff must be an entity and trained under one head, who must be the Chief of the Imperial General Staff in London.

2. In reply to the third paragraph of your despatch, No. 247, of the 16th October last,§ I have to inform you that instructions have been issued by the Army Council that direct communications from the General Staff upon routine matters, which are taken to include advice upon purely technical questions, are to be addressed to the Secretary, Department of Defence; they will be signed by the representative of the Commonwealth attached to the War Office, and initialled by the Chief of the Imperial General Staff or the Director of the Department concerned. All other communications will be forwarded through the Colonial Office as heretofore. The Army Council desire that similarly direct communications from the Local Section to the Central Section may be addressed to the Secretary, War Office. The members of the Military Board having been authorised by the Minister of State for Defence to consult the Australian Representative attached to the Central Section, the Army Council consider that their communications should be addressed in the same manner.

I have, &c.,
CREWE.

* Enclosure in No. 92.

† No. 93.

‡ No. 1 in [Cd. 4475], February, 1909.

§ No. 138 in Dominions No. 11.

15744

No. 95.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to War Office and Admiralty, 28 October, 1910. L.F.]

(Canada.)

(New Zealand.)

(Australia.)

(Newfoundland.)

(South Africa.)

(Confidential.)

MY LORD,
SIR,

Downing Street, 27 October, 1910.

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copies of a memorandum* prepared by the Colonial Defence Committee on the subject of the regulations under which commissions in the Army and Navy may be obtained by candidates from the Dominions and the Colonies.

2. I shall be glad to receive any observations which your Ministers may have to make on this memorandum.

I have, &c.,
CREWE.

36402

No. 96.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 28 November, 1910.)

[Copy to War Office and Admiralty, 19 December, 1910. L.F.]

[Answered by No. 98.]

(Confidential.)

SIR, Government House, St. John's, 17 November, 1910.

I HAVE the honour to acknowledge the receipt of Lord Crewe's despatch, Confidential, of the 27th of October,† enclosing, for the observations of my Ministers, a copy of a memorandum prepared by the Colonial Defence Committee relative to Colonial commissions for the navy and army. I enclose a copy of a minute from my Prime Minister, Sir Edward Morris, on the subject.

I concur with my Ministers in wondering at, and in deploring, the absolute elimination by the Defence Committee of this, the oldest Colony of the Empire—the people so akin in all things to those of the Mother Country that it is almost impossible to realise that one is in a Colony and not at home. It would almost seem that the Committee had forgotten the existence of the Colony, its Governor, its Parliament, and its strong and sturdy maritime population.

In proportion to its numbers its people are second to none, I would almost say first of all of the Colonies of the Empire, in qualities of seamanship and daring; while by the development of its resources the Colony is taking a prominent place in the commercial world.

It has a naval reserve who are being trained, or have been trained, on board H.M.S. "Calypso," permanently stationed in the harbour of St. John's. This reserve has an actual strength to-day of seamen available for service of 596, and about 350 others have been through their training, and have left the colours, making in all nearly a thousand men.

It has four quasi military organisations, namely, the Church Lads' Brigade, with an active strength of 500, 1,400 lads having passed through its ranks; the

* No. 421M. (not reprinted here).

† No. 95.

Catholic Cadet Corps, with an active strength of 460, some 500 others having passed through its ranks; the Methodist Guards, with an active strength of 250, about 500 lads having passed through its ranks; and a newer corps—the Newfoundland Highlanders—a body of young men 102 strong, some 50 others having passed through its ranks.

All the cadet corps are mainly composed of fine strong lads and young men, full of zeal and energy. I have often said that I should have been thankful for a hundred of them at my back when I had to suppress the riots in St. Lucia in 1907.

I hope that you may think it desirable to refer the matter back to the Committee with a view to the inclusion of Newfoundland in the benefits proposed to be given in respect to both the navy and the army.

I have, &c.,
RALPH WILLIAMS.

Enclosure in No. 96.

HIS EXCELLENCY THE GOVERNOR,

I HAVE the honour to acknowledge the receipt of your communication of the 9th November enclosing me despatch, Confidential, from the Right Honourable the Secretary of State for the Colonies, of date the 27th October, which transmitted, for the information of Ministers, copies of a memorandum prepared by the Colonial Defence Committee on the subject of regulations under which commissions in the army and navy may be obtained by candidates from the Dominions and the Colonies.

I note that the Secretary of State invited the comments of Ministers on the memorandum. In view of the entire absence of recognition of Newfoundland, it is difficult to appreciate the object which the Secretary of State could have had in desiring that Ministers should make any observations on the memorandum in question. The Defence Committee, in the memorandum under review, have left out Newfoundland altogether, both in respect to the navy and the army, and in paragraph 12 would seem to have forgotten the fact that there is a Governor in Newfoundland. The fact that this Colony does not contribute to the army can hardly be a sufficient reason for ignoring us, inasmuch as Crown Colonies, which do not contribute, are included in the army advantages. Newfoundland should surely be included in the army commissions, while her position as a maritime Colony, with a naval reserve, would seem to warrant some special consideration to her in respect of the navy.

Prime Minister's Office,
St. John's, Newfoundland,
15 November, 1910.

E. P. MORRIS,
Prime Minister.

37868

No. 97.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10 December, 1910.)

[Copy to War Office and Admiralty, 10 January, 1911. L.F.]

(Confidential.)

SIR, Government House, Ottawa, 1 December, 1910.

WITH reference to Lord Crewe's confidential despatch of the 27th October,* transmitting copies of a memorandum on the subject of the regulations under which Commissions in the Army and Navy may be obtained by candidates from the Dominions and the Colonies, I have the honour to forward, herewith, for your information, a copy of a letter from the Department of Militia and Defence stating that the Minister has no observations to make in regard to the memorandum.

I have, &c.,
GREY.

* No. 95.

Enclosure in No. 97.

FROM DEPARTMENT MILITIA AND DEFENCE TO GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 28th November, 1910.

I HAVE the honour to acknowledge receipt of a confidential despatch from the Colonial Office, dated 27th October last, with seven copies of C.D.C. Memorandum 421 M., "Regulations under which Commissions in the Army and Navy may be obtained by candidates from the Dominions and Colonies."

2. I am to inform you that the Honourable the Minister of Militia has no observations to make in regard to the memorandum, but, with reference to paragraph 16, enquiries are being made which will furnish information in regard to the local educational tests which may be accepted in lieu of the literary test for qualification for a Commission.

I have, &c.,

EUG. FISER,
Deputy Minister Militia and Defence.

36402

No. 98.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Copy to War Office and Admiralty, 19 December, 1910. L.F.]

(Confidential.)

SIR,

Downing Street, 16 December, 1910.

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 17th November,* on the subject of the memorandum prepared by the Colonial Defence Committee relative to Colonial commissions for the army and navy.

2. In reply I have to request that you will express to your Ministers my regret that it should have seemed to them that there has been an entire absence of recognition of Newfoundland in drawing up this memorandum, and that you will explain to them the reasons which have caused the omission of any special mention of Newfoundland in the memorandum.

3. As regards military commissions the position is as follows:—After the fullest consideration by a Committee in 1906, it was decided that they should be granted only:—

- (a) To officers of the militia forces of certain Colonies; and
- (b) To candidates from certain universities recognised as giving sufficiently advanced training in military subjects.

Newfoundland has no militia forces, nor has it a university, and accordingly it has not been found possible to allot commissions to candidates from Newfoundland. It is true that, as pointed out in your despatch, there are certain quasi military organisations in Newfoundland, but it was decided by the Committee that even a volunteer commission was not a sufficient basis for a commission in the army, and your Ministers will, no doubt, agree that a commission in one of these cadet corps cannot be considered as ranking above a volunteer commission.

4. With regard to the question of naval cadetships, the arrangement in force is that a fixed number of nominations are allocated to those Colonies which make a money contribution to the cost of Imperial Defence, and the Secretary of State has power to make two additional recommendations at his discretion from persons submitted by other Colonial Governments. It appears from the records of this Department that only one recommendation for a nomination has been made by Newfoundland since 1897, although before that date there were some successful Newfoundland candidates. It would seem, therefore, that the existing facilities have been sufficient for the needs of the Colony in recent years.

* No. 96.

5. I would, however, add that it will be necessary to reconsider at an early date the whole arrangements as to naval cadetships, in view of the creation of the naval forces of the Commonwealth and the Dominion of Canada, and in such reconsideration claims possessed by Newfoundland generally, and in virtue of the existence of its naval reserve, will not be overlooked.

I have, &c.,

L. HARCOURT.

40055

No. 99.

SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 31 December, 1910.)

[Copy to Admiralty, 31 January, 1911. L.F.]

(Confidential, No. 5.)

SIR,

Government House, Cape Town, 14 December, 1910.

WITH reference to your Confidential despatch of the 27th October,* I have the honour to transmit a copy of a minute from my Ministers on the subject of the regulations under which Commissions in the Army and Navy may be obtained by candidates from the Dominions and the Colonies.

I have, &c.,

GLADSTONE,

Governor-General.

Enclosure in No. 99.

MINISTERS TO GOVERNOR-GENERAL.

(Minute 847.)

Union of South Africa, Prime Minister's Office,

Cape Town, 13 December, 1910.

Ministers have the honour to inform His Excellency the Governor-General that they have considered the terms of the Colonial Defence Committee's Confidential memorandum, No. 421 M., transmitted by the Secretary of State for the Colonies under cover of a confidential despatch dated 27th October, 1910.

Ministers note the Committee's opinion that the present conditions under which special facilities are given to colonial candidates to obtain Commissions in the Navy and Army do not call for alteration. Ministers have at present no reason to express their disagreement with that opinion, though at a later date, when a defence system for the Union has been established, circumstances may possibly arise in which the Government of the Union may have occasion to make representations to His Majesty's Government on the subject. In the meantime, Ministers are satisfied that the privilege of specially recommending three candidates annually from the Union will suffice to meet the requirements of those South African parents who desire to send their sons into the Royal Navy.

With regard to the grant of Commissions in the Army to university students and to officers of the defence forces of the self-governing Dominions, Ministers have the honour to observe that with the development of the defence forces in those Dominions, and an increasing scope for following a military career in those forces, the number of such candidates who desire to avail themselves of the facilities offered for obtaining Commissions in the Army will probably continue to be small.

LOUIS BOTHA.

* No. 95.

No. 100.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 2 January, 1911.)

[Answered by No. 103.]

(No. 144.)

SIR, Government House, Wellington, 23rd November, 1910.

I HAVE the honour to transmit herewith copy of a memorandum dated 12th instant from my Prime Minister suggesting an increase in the number of commissions in the regular army awarded annually to candidates from New Zealand. I would suggest that this proposition is one worthy of favourable consideration.

I have, &c.,
ISLINGTON,
Governor.

Enclosure in No. 100.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Prime Minister's Office, Wellington, 12th November, 1910.

The Prime Minister presents his compliments to His Excellency the Governor, and respectfully begs to submit, for His Excellency's consideration, the matter of having commissions in the regular army awarded to Colonial officers in addition to the two available in each half-year, provided the War Office has no objection.

The examination papers of two candidates recommended for nomination for October half-year (Lieutenants Wilkes and Walker) were forwarded to His Excellency on 26th October, for transmission to the War Office.

Regulations on the subject do not permit of the nomination of more than two candidates in any half-year, even though no application for nomination may have been received during the preceding half-year.

Up to the present nine candidates have notified the Department of their intention of applying for nomination, exclusive of the two above referred to. Paragraph 16, Section IV., of attached regulations provides for the selection of the two highest candidates on results of examination. Provision is also made to allow of commissions not taken up by one Colony being awarded to candidates from other Colonies.

In view, however, of the reported dearth of candidates in the United Kingdom for commissions in the regular army, I would respectfully suggest that His Excellency may be pleased to represent the matter of increasing the number of commissions in each half-year in favour of New Zealand candidates who have fulfilled the necessary requirements, but may not have obtained first or second place.

The number of young officers applying for nomination from New Zealand may be expected to increase in the future by reason of the stimulus and facilities to undergo military training afforded under the reorganised system to be presently put into operation throughout the Dominion, and it would, I am of opinion, be an encouragement to young officers desiring to enter the Imperial Service, to know that a place may be found for them by special arrangement, even though unsuccessful in obtaining first or second place in the half-yearly examination.

J. G. WARD,
Prime Minister.

No. 101.

COLONIAL OFFICE TO WAR OFFICE.

[Answered by No. 102.]

SIR, Downing Street, 31 January, 1911.

WITH reference to the letter from this Department of the 10th instant,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Army

* L.F. transmitting copy of No. 97.

Council, copies of two despatches* from the Governor-General of the Union of South Africa and the Governor of New Zealand, relative to the commissions in the regular army awarded annually to candidates in the Dominions.

I am to observe that when Lord Islington's despatch was written the New Zealand Government had not received the memorandum by the Colonial Defence Committee, of which a copy was forwarded to you in the letter from this Department of the 13th of August last.†

I am, &c.,
H. W. JUST.

6449

No. 102.

WAR OFFICE TO COLONIAL OFFICE.

(Received 27 February, 1911.)

SIR,

War Office, London, S.W., 25 February, 1911.

I AM commanded by the Army Council to acknowledge the receipt of your letter, No. 71/1910-11, dated the 31st January, 1911,‡ enclosing despatches from Lords Gladstone and Islington, and, with reference to the point raised in the enclosure to the despatch of the latter, to request you to inform Mr. Secretary Harcourt that the Army Council are of opinion that at present the numbers of candidates coming forward from the Dominions and Crown Colonies are not so numerous as to demand a revision of the existing regulations.

The Army Council welcome the fact that candidates in New Zealand are increasing in numbers, and I am to say that during the next two or three years, should the numbers of Colonial candidates in any half-year exceed 16, the Army Council will undertake to award them commissions, provided they are fully qualified under the Regulations.

If it is found at the end of the period mentioned above that any alteration is necessary in the Regulations, I am to add that ample notification will be given as to the change.

I am, &c.,
E. W. D. WARD.

6449

No. 103.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 76.)

MY LORD,

Downing Street, 3 March, 1911.

WITH reference to your despatch, No. 144, of the 23rd November last,§ relative to the number of commissions in the regular army awarded annually to candidates from New Zealand, I have the honour to request you to inform your Ministers that the Army Council are of opinion that at present the numbers of candidates coming forward from the Dominions and Crown Colonies are not so numerous as to demand a revision of the existing regulations. I have, however, to add that the Army Council welcome the fact that candidates in New Zealand are increasing in numbers, and if, during the next two or three years, the numbers of candidates from the Dominions and Crown Colonies in any half-year exceed 16, the Army Council will undertake to award them commissions, provided they are fully qualified under the regulations.

The Army Council further state that if it is found, at the end of the above-mentioned period, that any alteration is necessary in the regulations, ample notification will be given as to the change.

I have, &c.,
L. HARCOURT.

* Nos. 99 and 100.

† 15744 10: not printed.

‡ No. 101.

§ No. 100.

(Resolution IV.) Emigration.

21610

No. 104.

WAR OFFICE to COLONIAL OFFICE.

(Received 15 July, 1910.)

[Answered by L.F.F. transmitting copies of Nos. 106 and 107.]

SIR,

War Office, London, S.W., 14th July, 1910.

I AM commanded by the Army Council to acknowledge the receipt of your letter, No. 7078/1910, of the 31st March, 1910,* on the subject of the emigration of ex-soldiers, and to inform you that the Council would be glad if communications on the subject could be made, as suggested, to the Governments of Canada, Australia, and New Zealand. They accordingly take this opportunity of giving an outline of their views on the subject.

2. As regards men who have completed their period of colour service, but who are still serving in the Army Reserve, the Council regret that they are unable, for obvious reasons, to assist or encourage their emigration by offering any inducements (such as advances of reserve pay, &c.), or by countenancing proposals which would tend to hold out similar inducements.

3. A certain small proportion of these reservists have been permitted to reside abroad, under the conditions already put before you in War Office letter dated 31st December, 1908;† but these arrangements can only be regarded as of a temporary nature, and as liable to revision in accordance with the state of the Army Reserve and the requirements of the Army at the time.

4. As regards those men who are either, by their conditions of service, under no obligation to serve in the Army Reserve, or who have already fulfilled that obligation, the Council have no desire to discourage their emigration; although in the case of ex-soldiers in receipt of Army pensions the Council are unable to give facilities for the commutation of their pensions other than those prescribed in existing regulations.

5. Lord Crewe will doubtless agree with the Council in thinking that it can hardly be to the advantage of the men referred to in the preceding paragraph, or of the Dominions in which they intend to settle, that they should be encouraged to emigrate unless there can be held out to them some prospect of employment for which their training in the Army has fitted them, at any rate for the period during which they are adapting themselves to their new conditions of life and environment.

6. It must be borne in mind that during their Army service they have been withdrawn for varying periods from civil life; and though their general training may in some cases have fitted them to adapt themselves to changed conditions of life in new countries, such adaptation must necessarily take time.

7. The Council would, therefore, suggest that this difficulty might be overcome if the Governments of the Dominions could see their way to guaranteeing the paid employment of these men in their permanent forces for a limited period, say for the first two years of a man's settlement in the country.

Apart from the pecuniary assistance which such employment would afford at the commencement of their life under altered conditions, such a scheme would tend to identify them from the outset with the country of their adoption.

8. Moreover, the Council are of opinion that this proposal would be beneficial to the Dominions concerned from a military point of view, as these men would form a valuable nucleus of trained soldiers, on which to found the more extensive systems of defence which appear to be foreshadowed by recent Imperial Conferences and local legislation. Such a nucleus would, it is thought, tend to improve the training and discipline and to promote the cohesion and military solidarity of the local forces.

9. The Council would be glad to learn the views of the Governments concerned on these proposals, and should such a scheme be welcomed, they would be prepared to assist by furnishing the military records and characters of any men

* 7078: not printed: it transmitted copy of Enclosure 1 in No. 105.

† See Enclosure 3 in No. 105.

selected for such employment, and by engaging to recommend only the best men for enrolment in the local forces.

I am, &c.,

E. W. D. WARD.

21610

No. 105.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by No. 107.]

(Canada. No. 567.)
(Australia. No. 286.)
(New Zealand. No. 166.)

MY LORD,

Downing Street, 30 July, 1910.

I HAVE the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, the accompanying copy of a question and answer in the House of Commons, on the subject of the emigration of ex-soldiers from this country to the self-governing Dominions, together with a copy of a letter* from the War Office, stating the views of the Army Council on the matter.

[2. (To Canada only.) A copy of the War Office letter of the 31st December,† 1908, to which reference is made in the letter from the War Office of the 14th July,* was enclosed in my despatch, No. 23, of the 11th January, 1909.‡]

[2. (To Australia and New Zealand only.) I have also to enclose, for the information of your Government, a copy of the War Office letter of the 31st December, 1908, to which reference is made in the third paragraph of their letter of the 14th July.]

I have, &c.,

CREWE.

Enclosure 1 in No. 105.

House of Commons, March 10, 1910.

SIR CLEMENT KINLOCH-COOKE asked the Secretary of State for War whether the Government had considered the recommendations of the Committee on the Civil Employment of Ex-soldiers in regard to emigration, and more especially the suggestion that it should be possible to make arrangements with the Governments of the great self-governing Colonies to advance the moneys necessary to meet the expenses of transportation by insuring repayment from reserve pay or pension; and what steps, if any, had been taken to carry out this proposal, and to ascertain the views of the Colonies on the subject.

MR. SECRETARY HALDANE, in reply, said: "As regards reservists, emigration can only be permitted to a limited extent. As regards soldiers who have completed their engagements the Army Council would be glad if employment with defence forces of the over-sea Dominions could be guaranteed for a limited period, say, two years. This would enable non-commissioned officers and trained soldiers to take up work for which they were fully qualified, and which would be of benefit to the Dominions while they were settling down in their new environment. No advances of reserve pay can be made. Facilities for commuting pensions to a certain extent at present exist, but are only granted in cases where employment is assured. No definite steps have been taken to ascertain the views of the Dominions and Colonies."

Enclosure 3 in No. 105.

WAR OFFICE to COLONIAL OFFICE.

SIR,

War Office, London, S.W., 31st December, 1908.

IN reply to your letter, No. 45686/1908, dated 21st instant, on the subject of enlistment into the Canadian Forces of Army Reservists residing in the Canadian

* No. 104.

† Enclosure 3 herein.

‡ 399: not printed.

Dominion, in addition to those reservists who belong to the Royal Engineers, I am commanded by the Army Council to inform you that they note that the Canadian Militia Department wish to extend such enlistments to the several branches of the service, to an extent not exceeding 10 per cent. of the recruiting strength of each unit, instead of restricting such enlistments to reservists belonging to the Royal Engineers. As the Army Council have already assented to this course they can offer no objection, on the understanding that such enlistment does not involve discharge from the reserve, and that this fact is carefully explained to the men; also, that their liability as reservists remains unimpaired.

I am, &c.,
E. W. D. WARD.

32396

No. 106.

SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 22 October, 1910.)

[Copy to War Office, 31 October, 1910. L.F.]

(No. 195.)

MY LORD, Governor-General's Office, Pretoria, 29th September, 1910.
WITH reference to your Lordship's despatch of the 20th August, No. 164,* I have the honour to enclose, for your information, a copy of a Minute from Ministers on the subject of the emigration of ex-soldiers to the self-governing Dominions.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 106.

Union of South Africa, Prime Minister's Office,
Pretoria, 21st September, 1910.

(Minute. No. 513.)

With reference to His Excellency the Governor-General's Minute, No. 30/4/10, of the 10th September, forwarding copy of a despatch, No. 164 (Union of South Africa), from the Right Honourable the Secretary of State for the Colonies on the subject of the emigration of ex-soldiers to the Colonies, Ministers have the honour to state that under present conditions there are no permanent forces maintained by the Government of the Union in respect of which Ministers could give a guarantee of the nature suggested by the Army Council in the seventh paragraph of War Office letter of the 14th July. The point will, however, receive their careful attention in connection with the establishment of a defence system for the Union.

LOUIS BOTHA.

34727

No. 107.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12 November, 1910.)

[Copy to War Office, 22 November, 1910. L.F.]

(No. 478.)

MY LORD, Government House, Ottawa, 2nd November, 1910.
WITH reference to my telegram of the 27th October and my despatch, No. 432, of the 8th idem,† regarding the emigration of ex-soldiers from Great Britain, I have the honour to forward herewith, for transmission to the War Office, copy

* 25287, not printed: in identical terms with the despatch to Australia dated July 30 (No. 105).
† 33050 and 32366: not printed.

of a letter from the Department of Militia and Defence giving the amended conditions under which the Canadian Government would be willing to enlist a limited number of ex-soldiers of the Imperial Army for service in the Canadian Permanent Force.

I have, &c.,
GREY.

Enclosure in No. 107.

THE DEPARTMENT OF MILITIA AND DEFENCE TO THE MILITARY SECRETARY.

Ottawa, 28th October, 1910.

Emigration of ex-soldiers from Great Britain.

SIR,

WITH reference to my letter of the 23rd of September last and that of 25th instant cancelling the same, I now have the honour, by direction, to request that you will be so good as to forward, for the information of the Right Honourable the Secretary of State for the Colonies, the following amended conditions under which the Canadian Government would be willing to enlist a limited number of ex-soldiers of the Imperial Army for service in the Canadian Permanent Force:—

(a) Consideration can only be given to non-commissioned officers or men whose character at the time of their transfer from the colours to the reserve was at least "Good," and that the period since their discharge from the latter does not exceed, at the time of enlistment in the Canadian Permanent Force, three years.

Previous service in, and discharge from, the Imperial Forces under the above conditions will be allowed to count as service towards increased rates of pay to the extent of six years—provided:—

(i) The man is not a reservist.

(ii) Any period of service in the reserve, or service under the age of 18, will not be allowed to count as service for the increased rates of pay mentioned in (a).

Previous service of non-commissioned officers and men in the Imperial Forces will not be allowed to count towards pension.

(b) The period of service in the Canadian Permanent Force to be for at least three years.

(c) An allowance of \$10 towards defraying travelling expenses, &c., will be granted to each man enlisted, and it is to be distinctly understood that no free return passage will under any circumstances be given. But return transport will be allowed to port of disembarkation provided the man on the termination of the period of his engagement is not discharged with a "Very bad" character, or at any time for misconduct.

(d) No guarantee can be given to married men that quarters, rations, fuel, light, &c., or any allowance in lieu thereof will be provided until such become available through vacancies on the authorised married establishment.

I have, &c.,
EUG. Fiset,
Colonel,
Deputy Minister.

38756

No. 108.

BOARD OF TRADE (LABOUR EXCHANGES) TO COLONIAL OFFICE.

(Received December 19, 1910.)

[Answered by No. 109.]

Labour Exchanges (Central Office), Caxton House,

Westminster, S.W., 17 December, 1910.

SIR,

I AM directed by the Board of Trade to forward to you, for the information of the Secretary of State, the enclosed proofs of a form which has been drawn up

for use in cases in which it is proposed to obtain, through the agency of the Government Labour Exchanges in this country, employees of any description for service outside the United Kingdom.

The Board would be glad to receive any observations or suggestions which it may be desired to offer with regard to the proposed form, and as a preliminary step they would suggest that an informal conference might be arranged between representatives of the two Departments.

I have, &c.,
G. R. ASKWITH.

Enclosure in No. 108.
(2nd Revised Form.)

Name of Country.

Registered Number.

BOARD OF TRADE LABOUR EXCHANGES.

(Established under the Labour Exchanges Act (1909) of the Imperial Parliament.)

Name, Address, and Trade of Employer.

VACANCIES OUTSIDE THE UNITED KINGDOM.

The following Questions should be answered by persons notifying Vacancies outside the United Kingdom.

It is necessary that the Information asked for in this Form should be as complete as possible.

- | Question. | Answer. |
|--|---------|
| 1. Name, address, and trade of the Employer (and Cable Address, if any). | |
| 2. If not yourself the Employer, give your name and address and authority from him. | |
| 3. Number and class of workpeople required, and terms of engagement. | |
| <p>NOTE.—It is of great importance to give the exact place of employment, trade description, and any conditions as to ages of workpeople, length of engagement, wages, &c.</p> | |
| 4. Are the wages and conditions such as are recognised as standard or current in the trade and district? | |
| 5. Is there any strike, lock-out, or trade dispute in connection with the employment for which the workpeople now asked for are required, or in the same district in connection with the same trade? | |
| 6. Is the engagement of the above class of labour in conformity with the Immigration or Employment Acts and any other relevant statutes in force in the country in question? | |

7. What arrangement with regard to payment of the fares will be made by the employer?
8. Do special arrangements exist for housing and feeding the workpeople asked for? If not, what is the approximate cost of board and lodging in the locality?

Date

19

Signature

38756

No. 109.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 111.]

SIR,

Downing Street, 9 January, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 17th of December* transmitting proofs of a form which has been drawn up for use in cases in which it is proposed to obtain, through the agency of the Government Labour Exchanges in this country, employees of any description for service outside the United Kingdom.

2. In reply, I am to request that you will inform the Board of Trade that Mr. Harcourt feels that the use of this form at present in the case of the self-governing Dominions would be open to much criticism. It is clear that these Governments are entitled to expect that His Majesty's Government shall not, through the agency of any Government Department, promote emigration to those Dominions except in accordance with a policy in which the concurrence of these Dominions has been previously obtained. If, therefore, the proposed form was used before the assent of their Governments had been given, Mr. Harcourt feels that protests might be made by them and His Majesty's Government would be placed in a difficult position. Moreover, one of the subjects which is proposed by the Government of the Commonwealth of Australia for discussion at the Conference of 1911 is emigration. The text of the Resolution is as follows:—

"That the resolution of the Conference of 1907, which was in the following terms, be reaffirmed: 'That it is desirable to encourage British emigrants to proceed to British Colonies rather than foreign countries'; 'That the Imperial Government be requested to co-operate with any Colonies desiring immigrants in assisting suitable persons to emigrate'; That the Secretary of State for the Colonies be requested to nominate representatives of the Dominions to the Committee of the Emigrants' Information Office."

It would, therefore, appear that no action should be taken in this matter until a discussion has taken place at the Conference.

3. In anticipation of this discussion it would be desirable that a memorandum should be prepared by the Board of Trade explaining exactly in what manner the Board would propose to proceed in connection with applications for labour from the Dominions and what steps would be taken to secure that the information supplied as to the conditions of employment, the state of the labour market, and so forth, were correctly stated by intending employers. This memorandum could then be submitted to the Dominion Governments in anticipation of the discussion at the Conference, and with that object it is desirable that it should be prepared as soon as possible.

4. I am to add that as the matter is one in which the States of Australia are greatly interested, seeing that the full control of agriculture is still vested in the State Parliaments, which have also powers with regard to labour conditions, it will be necessary to communicate the memorandum also to the State Governments, which will not, however, be represented at the Conference.

I am, &c.,
C. P. LUCAS.

39644

No. 110.

COLONIAL OFFICE to EMIGRANTS' INFORMATION OFFICE.

[Answered by No. 113.]

SIR,

Downing Street, 11 January, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Emigrants' Information Office, the accompanying extract from a telegram from the Governor-General of the Commonwealth of Australia giving the text of a resolution to be moved by his Government at the Imperial Conference of 1911.

2. Mr. Harcourt will be glad to receive at the early convenience of the Committee any remarks which they may desire to make on the resolution.

I am, &c.,

C. P. LUCAS.

Enclosure in No. 110.

Emigration:

That the resolution of the Conference of 1907, which was in the following terms, be re-affirmed:

"That it is desirable to encourage British emigrants to proceed to British Colonies rather than foreign countries;"

"That the Imperial Government be requested to co-operate with any Colonies desiring immigrants in assisting suitable persons to emigrate;"

That the Secretary of State for the Colonies be requested to nominate representatives of the Dominions to the Committee of the Emigrants' Information Office.

4980

No. 111.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 15 February, 1911.)

Board of Trade (Labour Department), Gwydyr House,

SIR,

Whitehall, London, S.W., 15th February, 1911.

I AM directed by the Board of Trade to acknowledge the receipt of your letter, No. 38756/1910, of the 9th January last,* with reference to the use of the Government Labour Exchanges in this country for obtaining employees for service outside the United Kingdom.

In reply I am to state that, as suggested in paragraph 3 of your letter, the Board of Trade have caused a memorandum to be prepared indicating a form of procedure which might be adopted, if desired, for bringing the Labour Exchange organisation now established in the United Kingdom into co-operation with the Governments of the Overseas Dominions. The co-operation so proposed would help to give effect to the resolutions which are to be brought forward by the Government of the Commonwealth of Australia at the Imperial Conference of 1911.

I am to enclose a copy of the memorandum, and to say that the Board concur in Mr. Secretary Harcourt's suggestion that it should be submitted to the Dominion Governments for their consideration in anticipation of the discussion at the Conference.

I have, &c.,

G. R. ASKWITH.

Enclosure in No. 111.

MEMORANDUM.

Since the establishment of the national system of Labour Exchanges in February, 1910, vacancies for workpeople of various classes in the overseas Dominions have been notified to the Labour Exchanges, and the Board of Trade have had under careful consideration the question of the method of dealing with these appli-

* No. 109.

cations. In the absence of formal arrangements with the Governments of the Dominions in question, these vacancies have been dealt with provisionally in consultation with the Dominion representatives in London. It is thought that definite and more systematic arrangements should now be made.

Further, the Board of Trade understand that the Government of the Commonwealth of Australia are proposing the reaffirmation of a resolution passed at the Colonial Conference of 1907, dealing with the question of the migration of suitable persons from the United Kingdom to the overseas Dominions. In view of this resolution, and of the views expressed at informal interviews between officers of the Labour Exchanges and representatives of the Dominions in London, the Board of Trade have prepared a draft scheme whereby, if desired, it would be possible to make the Labour Exchange organisation now established in the United Kingdom available for some of the purposes specified in the resolution of 1907.

In the arrangements suggested below, it is proposed that employers in the Dominions desirous of obtaining the services of workpeople from the United Kingdom should notify the vacancies to the Department of their Government concerned, which should, in its turn, through its representative in London, notify the vacancies to the Central Office of Labour Exchanges; and that the Labour Exchanges, in consultation with the representatives of the Dominion Government in London, should then take the necessary steps to fill these vacancies. It would also be possible, subject to the making of regulations to be approved by the Treasury, for the Labour Exchanges to advance fares to these men travelling to situations, provided that the Dominion Government through whom the vacancy was notified would undertake responsibility for the recovery of the loan from the employer or the workman.

It is not suggested that employers of labour in the Dominions should be absolutely restricted to this method of notifying vacancies. It would be possible for them to notify their vacancies direct to the Labour Exchanges; in such cases the Labour Exchanges would, in consultation with the representatives of the Dominions, take the necessary steps to fill approved vacancies, but, in view of the fact that in the event of the last named procedure being adopted the fare could not be advanced by the Labour Exchanges and of the delay which would necessarily occur in making the necessary enquiries as to the conditions attaching to the vacancy, it is probable that employers of labour would, as a general rule, adopt the official method of communication. Whichever of the two methods mentioned was adopted by the employer the Dominion Governments, while having at their disposal official machinery for assisting migration of suitable people as and when required for openings in the Dominions, would be in a position to ensure that any vacancies dealt with by the Exchanges were of a nature properly to be filled from the United Kingdom, and that adequate enquiries were made as to the suitability of the applicants.

SUGGESTED PROCEDURE.

1. Demands by employers in the Dominions for workpeople from the United Kingdom made by Governments in the various overseas Dominions to be notified through representatives of the Dominion Government in London to the Central Office of the Board of Trade Labour Exchanges.

2. Suitable applicants for the vacancies thus notified to be selected and despatched by the Labour Exchanges in co-operation with the representatives of the overseas Governments in London.

3. Arrangements to be made whereby travelling expenses could be advanced as a loan to workpeople travelling to situations obtained for them through this means, the overseas Governments to be responsible for the recovery of the loans.

4. Vacancies in the overseas Dominions notified by employers direct to Labour Exchanges in the United Kingdom to be made by means of a special form, of which alternative* draft specimens are attached. In such cases the Representatives of the overseas Governments in London to be consulted before filling the vacancies. Fares not to be advanced in such cases.

Board of Trade,

(Labour Department),

February, 1911.

* Only one Form is printed here. The Forms were identical except that one of them did not contain the words in [] or the Declaration.

Annexure.

(Revised Form.)

Name of Country.

Registered Number.

BOARD OF TRADE LABOUR EXCHANGES.

(Established under the Labour Exchanges Act (1909) of the Imperial Parliament.)

Name, Address, and Trade of Employer.

BOARD OF TRADE LABOUR EXCHANGES.

(Established under the Labour Exchanges Act (1909) of the Imperial Parliament.)

Vacancies outside the United Kingdom.

The following Questions should be answered by persons notifying Vacancies outside the United Kingdom.

It is necessary that the Information asked for in this Form should be as complete as possible, [and the Statements made attested in the presence of a Justice of the Peace or Commissioner of Oaths.

The Form of Attestation to be used is printed on page 4.]

Question.	Answer.	Question.	Answer.
1. Name, address, and trade of the Employer (and Cable Address, if any).		4. Are the wages and conditions such as are recognised as standard or current in the trade and district?	
2. If not yourself the Employer, give your name and address and authority from him.		5. Is there any Strike, lock-out, or trade dispute in connection with the employment for which the workpeople now asked for are required, or in the same district in connection with the same trade?	
3. Number and class of workpeople required, and terms of engagement.		6. Is the engagement of the above class of labour in conformity with the Immigration or Employment Acts and any other relevant statutes in force in the country in question?	
NOTE.—It is of great importance to give the exact place of employment, trade description, and any conditions as to ages of workpeople, length of engagement, wages, &c.		7. What arrangement with regard to payment of the fares will be made by the employer?	
		8. Do special arrangements exist for housing and feeding the workpeople asked for? If not, what is the approximate cost of board and lodging in the locality?	

Date

19

Signature

DECLARATION.

I
of

do hereby declare that the answers contained herein are to the best of my knowledge complete and true. I furthermore declare that I will provide employment for the workpeople sent out in accordance with the terms of this requisition, and that unless an urgent and sound reason exists for discharging an employee, employment for at least three consecutive months will be provided from the time of arrival.

Dated

Signature

Witness

4980

No. 112.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 125.)

(New Zealand. No. 64.)

(Australia. No. 90.)

(Newfoundland. No. 31.)

(South Africa. No. 98.)

MY LORD,

Downing Street, 23 February, 1911.

SIR,

WITH reference to my despatch, No. [38] [25] [30] [17] [8], of the 20th January,* forwarding the agenda for the Imperial Conference, I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of a memorandum† which has been prepared by the Board of Trade with reference to the position of the Government Labour Exchanges in this country in connection with applications for employes for service in the self-governing Dominions. This memorandum is forwarded as a basis for the discussion of the question at the Imperial Conference, as suggested by the Board of Trade.

I have, &c.,

L. HARCOURT.

6256

No. 113.

EMIGRANTS' INFORMATION OFFICE to COLONIAL OFFICE.

(Received 25 February, 1911.)

Emigrants' Information Office, 31, Broadway,

SIR,

Westminster, S.W., 24th February, 1911.

I HAVE the honour to inform you, in reply to your letter, No. 39644/1910, of the 11th of January,‡ that the Committee of the Emigrants' Information Office considered, at their meeting on the 23rd of February, the terms of the Australian resolution to be moved at the Imperial Conference of 1911 on the subject of emigration, and beg to submit, in response to Mr. Secretary Harcourt's invitation, the following observations on the three parts of the resolution:—

(i.) "That it is desirable to encourage British emigrants to proceed to British Colonies rather than to foreign countries."

The Committee are in entire agreement with this proposition, which has already been affirmed by the Conference of 1907. It will be remembered that, with the

* No. 6 in [Cd. 5513].

† Enclosure in No. 111.

‡ No. 110.

exception of the United States Circular, the Handbook of General Information relating to North, Central, and South America, the Argentine Handbook, and certain references by way of warning in the monthly supplement to the Circulars, the publications of this Office are entirely concerned with the British Dominions and Colonies. The Office has never failed to lay stress, both in its published literature and in the advice given orally and by letter to applicants, on the advantage of British emigrants proceeding to countries where the population is of similar origin and where the language is identical with, and the laws and institutions are similar to, those of their native land. They believe that, in so far as the activity of the Office has had any effect in determining the direction of the stream of emigration, it has tended to divert it from foreign destinations to the British dominions.

(ii.) "That the Imperial Government be requested to co-operate with any Colonies desiring immigrants in assisting suitable persons to emigrate."

The Committee do not understand whether, by this portion of the resolution, it is intended to suggest that the United Kingdom should give pecuniary assistance to emigration. In any case they presume that His Majesty's Government will consider this aspect of the resolution, and will in this connexion take into account the specific recommendations as to State aid of emigration made in paragraphs 82 and 83 of the Report of the Departmental Committee appointed to consider Mr. Rider Haggard's Report on Agricultural Settlements in British Colonies [Cd. 2978].

So far as existing agencies are concerned, the Committee are in full sympathy with the desire of the dominions to receive such assistance as those agencies can give, but they fear that it will be difficult adequately to meet that desire without some reorganization of the machinery at present concerned with emigration from the United Kingdom. They would point out that at present there is no proper co-ordination of the public and private agencies dealing with the problem of emigration.

The Emigrants' Information Office was established in 1886 to collect and circulate information on the subject of emigration, and it discharges this function under the general supervision of the Colonial Office.

The emigration of children, and in some cases adults, at the cost of the poor rate by Boards of Guardians, and of adult persons and their families by Distress Committees, is under the supervision of the Local Government Board.

The emigration of children from reformatories and industrial schools is under the supervision of the Home Office.

The supply of suitable workmen to fill vacancies announced in the self-governing Dominions is undertaken by the Board of Trade Labour Exchanges, and this branch of their work is likely to grow to large dimensions.

The licensing of shipping agents and the inspection of the accommodation on emigrant vessels is undertaken by the Marine Department of the Board of Trade.

The greater part of the assisted or organised emigration from the United Kingdom to British dominions is directed by private emigration societies, whose operations are controlled by no Government department or public authority. The Committee have endeavoured to obtain and tabulate information with regard to these operations, but such information is only procurable by the courtesy of the societies, and is very incomplete.

It appears to the Committee that the most promising means of giving effect to the resolution under consideration would be to bring all assisted or organised emigration from the United Kingdom, whether carried out by public authorities or by private agencies, under the supervision of a single Government Emigration Office, if such a course be found to be practicable. They recognise that it would be necessary to consult the Departments concerned as to the possibility and desirability of separating the emigration work from the rest of the work of those Departments, as to the legislation which would be required to effect this, and as to the staff which would be necessary to deal with the transferred work. But, subject to enquiry on such points, it would, *prima facie*, seem desirable that the functions of the Local Government Board and the Home Office with regard to emigration should be entirely handed over to the proposed new office; that the Board of Trade Labour Exchanges,

as the official channel for placing workpeople in situations, should work in close touch with the office and consult it as to the local conditions in the dominions and the suitability of particular classes of vacancies for British emigrants; and that all societies or private agencies engaged in emigration work should be required to submit to the Emigration Office full information with regard to their operations, including accounts of their receipts and expenditure. The Board of Trade Labour Exchanges would, of course, continue to give full facilities for spreading information supplied by the Government Emigration Office among workpeople in the United Kingdom.

The work of such an Emigration Office would, of course, be facilitated by any steps which Dominion or State Governments might be in a position to take for extending their arrangements for the notification of opportunities for immigrants, and for the reception, training, and placing of immigrants on arrival.

(iii.) "That the Secretary of State for the Colonies be requested to nominate representatives of the Dominions to the Committee of the Emigrants' Information Office."

If the proposals just outlined were adopted, the functions at present performed by the Emigrants' Information Office would be handed over to the new Emigration Office. That Office would become a Government Department, and the Committee conceive that it would be necessary to substitute an Advisory Committee for the existing Managing Committee, though the change would be one of form rather than of substance. The Committee would welcome the inclusion in such a Committee of representatives of the Governments of Canada, Australia, New Zealand, and South Africa.

I have, &c.,
F. BUTLER,
Chairman.

6414

No. 114.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL OF CANADA,
AUSTRALIA, AND SOUTH AFRICA, AND THE GOVERNORS OF NEW
ZEALAND AND NEWFOUNDLAND.

(Sent 4.10 p.m., 28th February, 1911.)

TELEGRAM.

[Copy to Board of Trade, 2 March, 1911. L.F.]

My despatch 20th January,* paragraph 2. Following is text of resolution to be proposed at Imperial Conference relative to Labour Exchanges:—

To resolve that the Governments of the various Dominions should consider, in concert with the Imperial Government, the possibility and the best method of utilizing the machinery of the national system of Labour Exchanges established in the United Kingdom by the Labour Exchanges Act, 1909, in connexion with the notification of vacancies for employment and applications of persons for employment as between the Dominions and the United Kingdom.

—HARCOURT.

* No. 6 in [Cd. 5513].

(Resolution V.) Judicial Appeals.

1946

No. 115.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR

(No. 19.)

(Extract.)

MY LORD,

Downing Street, 22 January, 1910.

I HAVE the honour to forward, for the information of your Ministers, copies of an Order in Council* dated the 10th January, 1910, respecting appeals to His Majesty in Council from the Dominion of New Zealand.

* * * * *

I have, &c.,
CREWE.

8969

No. 116.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28 March, 1910.)

[Answered by No. 42 in [Cd. 5273].]

(No. 59.)

Commonwealth of Australia, Governor-General's Office,
Melbourne, 22nd February, 1910.

[Published as No. 39 in [Cd. 5273] July, 1910.]

8969

No. 117.

COLONIAL OFFICE TO THE PRIVY COUNCIL OFFICE.

[Answered by No. 41 in [Cd. 5273].]

Downing Street, 13 April, 1910.

[Published as No. 40 in [Cd. 5273], July, 1910.]

10966

No. 118.

PRIVY COUNCIL OFFICE TO COLONIAL OFFICE.

(Received 14 April, 1910.)

Privy Council Office, Downing Street,
London, S.W., 14th April, 1910.

[Extract published as No. 41 in [Cd. 5273] July, 1910.]

* Not reprinted. Copy of the Order in Council was sent to each of the Dominions and the Australian States and this despatch is printed in order to place this on record here.

10966

No. 119.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to Privy Council Office, April 27, 1910. L.F.]

(No. 159.)

Downing Street, 25 April, 1910.

[Published as No. 42 in [Cd. 5273], July, 1910.]

20869

No. 120.

CANADA.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9 July, 1910.)

(No. 286.)

MY LORD,

Ottawa, 29 June, 1910.

WITH reference to your Lordship's despatch, No. 306, of the 27th April last,* upon the subject of the adoption of certain new Rules† for appeals to His Majesty in Council, I have the honour to forward, herewith, for transmission to the Lord President of the Privy Council, copy of a letter from the Department of His Majesty's Secretary of State for Canada, covering copy of a despatch from the Lieutenant-Governor of Quebec stating that, in so far as the proposed Rules differ from the provisions of the Code of Civil Procedure of Quebec, they are not suited to the requirements of that Province.

I have, &c.,
D. GIROUARD,
Administrator.

Enclosure in No. 120.

UNDER-SECRETARY OF STATE TO GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, June 23rd, 1910.

I HAVE the honour to enclose to you a copy of a despatch received by this Government from the Colonial Office, dated 27th April last, upon the subject of the adoption of certain new Rules for appeals to His Majesty the King in Council; also, in order that its contents may be communicated to the Colonial Office, a copy of a despatch which has been received from His Honour the Lieutenant-Governor of the Province of Quebec, in which he states that, in so far as the proposed Rules differ from the provisions of the Code of Civil Procedure of Quebec, they are not suited to the requirements of that Province.

I have, &c.,
THOMAS MULVEY,
Under-Secretary of State.

SIR,

Government House, Quebec, 13th June, 1910.

I HAVE the honour, in reference to your letter of the 19th May last, enclosing copy of a despatch from the Colonial Office regarding the adoption of the new Rules for appeals to His Majesty in Council, to inform you that my Attorney-General now reports that, upon mature consideration, he is unable to recommend the adoption of the Rules in question, because, in his opinion, these Rules, in so far as they differ from the provisions of our Code of Civil Procedure, are not suited to the requirements of this Province.

I have, &c.,
C. A. P. PELLETIER,
Lieutenant-Governor.

The Honourable the Secretary of State,
Ottawa.

* 1946: not printed (enquiring as to the adoption of the new Rules).
† Printed at p. 28 et seq of [Cd. 5273].

20869

No. 121.

CANADA.

COLONIAL OFFICE to THE PRIVY COUNCIL OFFICE.

[Answered by No. 122.]

SIR, Downing Street, 20 July, 1910.
I AM directed by the Earl of Crewe to transmit to you, to be laid before the Lord President of the Council, the accompanying copy of a despatch* which has been received from the Lieutenant-Governor of the Province of Quebec on the subject of the new Rules to regulate appeals to His Majesty in Council from the High Courts of the self-governing Dominions.

2. Lord Crewe presumes that, in view of the special circumstances of Quebec, the Lord President will not desire that the question of the adoption of the new Rules should be further pressed upon the Provincial Government.

I am, &c.,
C. P. LUCAS.

22391

No. 122.

CANADA.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 21 July, 1910.)

SIR, Privy Council Office, Downing Street,
London, S.W., 21st July, 1910.
I AM desired by the Lord President to acknowledge the receipt of Sir Charles Lucas's letter of the 20th instant,† with reference to the proposed new Rules to regulate appeals to His Majesty in Council from Quebec.

In reply, I am to say that the Lord President agrees with Lord Crewe that, having regard to the special circumstances of Quebec and to the views of the authorities there, it would not be desirable that the question of the adoption of the new Rules should be further pressed upon the Provincial Government.

I have, &c.,
CHARLES NEISH,
Registrar of the Privy Council.

25850

No. 123.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 22 August, 1910.)

[Answered by No. 124.]

(No. 32.)

MY LORD, Government House, Hobart, 14th July, 1910.
WITH reference to your Lordship's despatch, No. 32, dated 27th April, 1910,‡ with regard to new Rules which have been approved by the Privy Council Office regulating the practice and procedure in appeals to His Majesty in Council from the Supreme Court of the Dominions, I have the honour to transmit a communication which I have received from the Premier on the subject.

I have, &c.,
HARRY BARRON,
Governor.

* No. 120. † No. 121. ‡ 1910: not printed (enquiring as to the adoption of the new Rules).

Enclosure in No. 123.

YOUR EXCELLENCY, Premier's Office, Hobart, 12th July, 1910.
REFERRING to the Secretary of State's despatch, No. 32, dated the 27th April last (returned herewith) with regard to new Rules which have been approved by the Privy Council Office regulating the practice and procedure in appeals to His Majesty in Council from the Supreme Court of the Dominions, I have the honour to request that the Secretary of State be informed that your Ministers desire similar regulations to those prepared for Queensland and dated the 18th October, 1909, be made applicable to Tasmania in order that the procedure be made uniform with that existing in other States of the Commonwealth.

I have, &c.,
N. E. LEWIS,
Premier.

His Excellency the Governor,
Hobart.

27736

No. 124.

TASMANIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 71.)

SIR, Downing Street, 9 September, 1910.
I HAVE the honour to acknowledge the receipt of your despatch, No. 32, of the 14th of July,* on the subject of appeals to His Majesty in Council from the Supreme Court of Tasmania.

2. I observe that your Ministers desire regulations similar to those made for Queensland by Order in Council of the 18th of October, 1909, to be passed in respect of Tasmania, and steps will be taken for this purpose in due course. Your Ministers will, however, observe that in the Queensland rules, as in the rules adopted for the other Australian States, the amount specified in respect of which an appeal shall lie as of right is £500 sterling, and not £1,000 sterling as in the Tasmania Charter of Justice of the 4th of March, 1831, which at present regulates appeals from the Supreme Court to His Majesty in Council.

3. I presume that your Ministers desire in this respect to adopt the same sum as is now fixed in the case of the other Australian States, but I should be glad to have a reply by telegraph on this point so that delay in issuing the Order in Council may be avoided.

I have, &c.,
CREWE.

33181

No. 125.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29 October, 1910.)

[Answered by No. 128.]

(No. 221.)

MY LORD, Commonwealth of Australia,
Governor-General's Office, Melbourne, 23rd September, 1910.
REFERRING to your Lordship's despatch, No. 159, dated 25th April last,‡ relative to the proposed rules to regulate the practice and procedure in appeals to His Majesty the King in Council from the High Courts of the self-governing Dominions, I have the honour to inform your Lordship that the Chief Justice of the High Court of Australia and his learned colleagues agree with the Lord President of the Privy Council in thinking that the proposed Rules 7 to 14 and 23 to 27 might with advantage be made applicable to appeals by special leave from the High Court to His Majesty.

* No. 123.

† No. 42 in [Cd. 5273] July, 1910.

2. Ministers see no reason, therefore, why an Order in Council should not be issued by the King, making the proposed Rules referred to applicable to such appeals.

I have, &c.,
DUDLEY.
Governor-General.

32231

No. 126.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

- | | |
|--------------------------------|----------------------------------|
| (1. Australia. No. 424.) | (6. Western Australia. No. 120.) |
| (2. New South Wales. No. 172.) | (7. Tasmania. No. 90.) |
| (3. Victoria. No. 116.) | (8. New Zealand. No. 258.) |
| (4. Queensland. No. 127.) | (9. South Africa. No. 263.) |
| (5. South Australia. No. 90.) | (10. Newfoundland. No. 195.) |

MY LORD,

Downing Street, 4 November, 1910.

SIR,

WITH reference to my despatch(es) [(1) No. 28] [(2) No. 11] [(3) No. 6] [(4) No. 7] [(5) No. 4] [(6) No. 4] [(7) No. 6] [(8) No. 19] [(9) Cape, No. 13, Natal, No. 27, Transvaal, No. 14, Orange River Colony, No. 10,] of the 22nd of January* [(10) No. 189, of the 26th of October†], I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of [Orders] [to Newfoundland only: an Order] of His Majesty in Council, dated the 13th of October, 1910, making provision for the adoption of the new Rules in the case of appeals to His Majesty in Council from the Provinces of Prince Edward Island and Saskatchewan, in the Dominion of Canada [omit to Newfoundland: and of appeals from the Supreme Court of Newfoundland].

I have, &c.,
CREWE.

32231

No. 127.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
(No. 821.)

MY LORD,

Downing Street, 4 November, 1910.

WITH reference to my despatches, No. 782 and No. 799, of the 26th and 28th of October,‡ I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of an Order of His Majesty in Council§ making provision for the adoption of the new rules for Appeals to His Majesty in Council from the Supreme Court of Newfoundland.

I have, &c.,
CREWE.

34513

No. 128.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
(No. 447.)

MY LORD,

Downing Street, 23 November, 1910.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch, No. 221, of the 23rd of September,|| on the subject of the application of certain

* See No. 115.

† 32231: not printed.
§ 13th October, 1910: not reprinted.‡ 32229 and 32230: not printed.
|| No. 125.

Rules to appeals by special leave from the High Court of Australia to the King in Council.

2. In reply I have to request you to inform your Ministers that steps are being taken to issue an Order in Council in accordance with their wishes. In issuing the Order in Council, two new Rules will be added, the first merely being a definition clause and the second being a clause corresponding to No. 22 of the draft Rules which were enclosed in my predecessor's despatch, No. 300, of the 29th of August, 1908,* and conferring upon the High Court the power of reviving an appeal in case of death or change of parties before the despatch of the record to England. If this rule were not adopted the expense and delay of a formal Order in Council to revive the appeal would be required, and I have assumed that your Ministers and the Judges of the High Court would see no objection to this merely formal alteration.

3. I enclose the draft of the Order in Council which is being submitted to His Majesty in Council.

I have, &c.,
L. HARCOURT.

Enclosure in No. 128.

DRAFT ORDER IN COUNCIL.

Whereas by the Commonwealth of Australia Constitution Act (63 and 64 Vict., Cap 12) it is among other things enacted that, except as therein provided, the Constitution shall not impair any right which the Queen may be pleased to exercise by virtue of Her Royal prerogative to grant special leave of appeal from the High Court of the Commonwealth to Her Majesty in Council;

And whereas it is desirable, with a view to promoting uniformity in the practice and procedure in appeals to His Majesty in Council, that provision should be made for regulating the manner in which the proceedings in the case of appeals by such special leave shall be conducted.

It is hereby ordered by the King's Most Excellent Majesty, by and with the advice of the Privy Council, that the rules hereinafter set out shall regulate appeals by special leave from the High Court of the Commonwealth of Australia to His Majesty in Council.

1. In these Rules, unless the context otherwise requires:—

- "Appeal" means appeal to His Majesty in Council;
- "His Majesty" includes His Majesty's heirs and successors;
- "Judgment" includes decree, order, sentence, or decision;
- "Court" means either the full Court or a single Justice of the High Court of Australia, according as the matter in question is one which under the rules and practice of the High Court, properly appertains to the full Court or to a single Justice.
- "Record" means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence, and judgments) proper to be laid before His Majesty in Council on the hearing of the appeal.
- "Registrar" means the Registrar or other proper officer having the custody of the records in the Court appealed from.
- "Month" means calendar month.

Words in the singular include the plural, and words in the plural include the singular.

2. The preparation of the Record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

3. The Registrar, as well as the parties and their legal agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely

* No. 33 in [Cd. 5273] July, 1910.

formal) that are not relevant to the subject matter of the Appeal, and, generally to reduce the bulk of the Record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the Record.

4. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, the Record, as finally printed (whether in Australia or in England) shall, with a view to the subsequent adjustment of the costs of, and incidental to, such document, indicate in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

5. The Record shall be printed in accordance with the rules set forth in the Schedule hereto. It may be so printed either in Australia or in England.

6. Where the Record is printed in Australia, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council 40 copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialing, every eighth page thereof, and by affixing thereto the seal of the Court.

7. Where the Record is to be printed in England, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.

8. Where part of the Record is printed in Australia and part is to be printed in England, Rules 6 and 7 shall, as far as practicable, apply to such parts as are printed in Australia and such as are to be printed in England respectively.

9. The reasons given by the judge, or any of the judges, for or against any judgment pronounced in the course of the proceedings out of which the Appeal arises shall by such judge or judges be communicated in writing to the Registrar, and shall by him be transmitted to the Registrar of the Privy Council at the same time when the Record is transmitted.

10. Where at any time between the order granting special leave to appeal and the dispatch of the Record to England the Record becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court may, notwithstanding the order granting special leave to appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted or entered on the Record in place of, or in addition to, the party who has died, or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the Record as aforesaid without express Order of His Majesty in Council.

11. Where the Record subsequently to its dispatch to England becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council showing who, in the opinion of the Court, is the proper person to be substituted, or entered, on the Record in place of, or in addition to, the party who has died or undergone a change of status.

12. The case of each party to the Appeal may be printed either in Australia or in England, and shall, in either event, be printed in accordance with the Rules set forth in the Schedule hereto, every tenth line thereof being numbered in the margin, and shall be signed by at least one of the counsel who attends at the hearing of the Appeal, or by the party himself if he conducts his Appeal in person.

13. The case shall consist of paragraphs numbered consecutively, and shall state, as concisely as possible, the circumstances out of which the Appeal arises, the contentions to be urged by the party lodging the same, and the reasons of appeal. References by page and line to the relevant portions of the Record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid, as far as possible, the reprinting in the case of long extracts from the Record. The taxing officer, in taxing the costs of the Appeal, shall, either of his own motion,

or at the instance of the opposite party, inquire into any unnecessary prolixity in the case, and shall disallow the costs occasioned thereby.

14. Where the Judicial Committee directs a party to bear the costs of an Appeal incurred in Australia, such costs shall be taxed by the proper officer of the Court in accordance with the rules for the time being regulating taxation in the Court.

15. The Court shall conform with, and execute, any order which His Majesty in Council may think fit to make on an Appeal from a judgment of the Court in like manner as any original judgment of the Court should or might have been executed.

SCHEDULE.

I. Records and cases in Appeals to His Majesty in Council shall be printed in the form known as demy quarto.

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and 8½ inches in width.

III. The type to be used in the text shall be pica type, but long primer shall be used in printing accounts, tabular matter, and notes.

IV. The number of lines in each page of pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

34513

No. 129.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada. No. 857.)

(South Africa. No. 303.)

My Lord,

Downing Street, 23 November, 1910.

With reference to previous correspondence on the subject of appeals to His Majesty in Council from the Supreme Courts of the self-governing Dominions, I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying draft* of an Order in Council applying certain Rules of Procedure to appeals by special leave from the High Court of the Commonwealth of Australia.

2. These Rules have been adopted at the wish of the Government of the Commonwealth in order to simplify procedure in cases when special leave to appeal is granted, and I shall be glad to learn whether in the interests of uniformity in these matters, and in accordance with the resolution of the Colonial Conference of 1907, your Ministers would desire that an Order in Council in similar terms should be issued for the [Dominion of Canada] [Union of South Africa].

3. I am addressing a similar despatch to the Governor-General of the [Union of South Africa] [Dominion of Canada].

I have, &c.,

L. HARCOURT.

34795

No. 130.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

[Answered by No. 131.]

SIR,

Downing Street, 25 November, 1910.

I AM directed by Mr. Secretary Harcourt to request you to inform the Lord President of the Council that he has learned by telegraph from the Governor of New Zealand that his Government suggest as a subject for discussion at the Imperial Conference of 1911, "the representation on the Judicial Committee of the Privy Council of judges of the oversea Dominions to hear appeals from those Dominions."

2. The Governor was informed by telegraph on the 19th October† that it would be convenient if this and other subjects proposed for discussion could be put in

* Enclosure in No. 128.

† No. 21.

the form of concrete resolutions "as it is difficult to prepare for discussion of many of them without exact information as to what is proposed." No resolution on the subject has, however, yet been received, but in the meantime Mr. Harcourt would be glad to receive any observations which the Lord President may desire to offer on this proposal.

3. I am to add that a copy of the Act 8, Edward VII., c. 51, was communicated to the Government of New Zealand, and it is presumed therefore that the present proposal goes beyond the arrangements approved in that Act.

I am, &c.,
C. P. LUCAS.

36604

No. 131.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 30 November, 1910.)

[Answered by No. 136.]

Privy Council Office, Downing Street,

SIR,

London, S.W., 30th November, 1910.

I AM desired by the Lord President to acknowledge the receipt of Sir Charles Lucas's letter of the 25th instant.* In reply I am to say that his Lordship agrees with the Secretary of State that it is difficult to deal with proposals the exact nature of which has not been disclosed, and which, in whatever form they are made, must present great practical difficulties. He desires me, however, to direct attention to the enclosed confidential memorandum† of Sir Edward Hope of March, 1907, which deals exhaustively with the constitution of the Judicial Committee of the Privy Council, and, in paragraphs 14 to 17 and 49 to 56, especially with the question of Colonial representation. I am also to draw attention to the Lord Chancellor's observations at the Imperial Conference, 1907 (Minutes of Proceedings [Cd. 3523], pp. 214 to 217) upon the same subject.

The Lord President thinks that the accompanying table,‡ which shows the extent to which the Dominions have taken advantage of the Judicial Committee Amendment Act, 1895, may be of service in dealing with the question when it assumes a definite shape; and, in conclusion, I am to say that up to the present Section 1 of the Appellate Jurisdiction Act, 1908, which authorizes the appointment of Colonial assessors, has not been put in force, nor, so far as his Lordship is aware, have any of the Dominions expressed any desire for this to be done.

I have, &c.,
CHARLES NEISH,
Registrar of the Privy Council.

35657

No. 132.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 461.)	(Western Australia. No. 125.)
(New South Wales. No. 182.)	(New Zealand. No. 279.)
(Victoria. No. 119.)	(South Africa. No. 319.)
(Queensland. No. 132.)	(Newfoundland. No. 209.)
(South Australia. No. 95.)	

MY LORD,

SIR,

Downing Street, 30 November, 1910.

WITH reference to my predecessor's despatch No. [424] [172] [116] [127] [90] [120] [258] [263] [195] of the 4th of November,‡ I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copies of two Orders of His Majesty in Council§ respecting appeals from the Supreme Courts of Tasmania and New Brunswick to His Majesty in Council.

I have, &c.,
L. HARCOURT.

* No. 130. † Not printed. ‡ No. 125. § November 7, 1910: not reprinted.

35657

No. 133.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 873.)

MY LORD,

Downing Street, 30 November, 1910.

WITH reference to Mr. Girouard's despatch, No. 391, of the 1st of September,* I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of an Order in Council of the 7th of November respecting appeals from the Supreme Court of New Brunswick to His Majesty in Council.

2. I also enclose copy of an Order in Council respecting appeals from the Supreme Court of Tasmania.

I have, &c.,
L. HARCOURT.

39648

No. 134.

MEMORANDUM ON THE RESOLUTIONS OF NEW ZEALAND AND THE COMMONWEALTH OF AUSTRALIA WITH REGARD TO APPEALS FROM THE DOMINIONS.

[Copy sent to Lord Chancellor, January 9, 1911.]

[For Memorandum as sent to the Dominions see enclosure in No. 137.]

The following is the text of the 11th Resolution which the Government of New Zealand have proposed to move at the Imperial Conference of 1911:—

Imperial Court of Appeal.—"That now it has become evident in consideration of the growth of population, the diversity of laws enacted, and the differing public policies affecting legal interpretation in His Majesty's Oversea Dominions, that no Imperial Court of Appeal can be satisfactory which does not include judicial representatives of these Dominions."

The following is the text of the Resolution proposed by the Government of the Commonwealth of Australia:—

Imperial Appeal Court.—"That it is desirable that the judicial functions in regard to the Dominions now exercised by the Judicial Committee of the Privy Council should be vested in an Imperial Appeal Court, which should also be the final Court of Appeal for Great Britain and Ireland."

By an Imperial Act of 1895, as amended in 1908, provision was made that if any person who is or has been a Judge of the Supreme Court of Canada or of a Superior Court of a Canadian Province, or of the Supreme Court of any of the Australasian or the South African Colonies or Newfoundland is a member of the Privy Council, he shall be a member of the Judicial Committee, provided that the number of persons so qualified shall not exceed five at any one time. Provision is also made by the Act of 1908 that, on the hearing of an appeal from any Dominion, a Judge of the Court from which the appeal is made or of an Appellate Court to which an appeal lies from that Court may attend as an Assessor of the Judicial Committee.

Under these provisions there are five Colonial Judges who are members of the Judicial Committee, namely, Lord de Villiers (South Africa), Sir Samuel Way (South Australia), Sir Samuel Griffith (High Court of Australia), Sir H. Taschereau (Canada), and Sir E. Barton (High Court of Australia).

No salary is provided for the Judges, who, with the exception of Sir H. Taschereau, are all actively engaged in judicial work in the Dominions. As a result, Sir Samuel Griffith and Sir E. Barton have never sat on the Judicial Committee. Sir Samuel Way sat several times in 1897 but has not been in England

* 28103: not printed.

since, though he is expected in this country next year, while Lord de Villiers has sat on several occasions in 1897, 1900, 1901, 1905, and 1908, his expenses having been provided by the Parliament of the Cape. It will be seen, therefore, that the existing arrangements are inadequate to secure the presence of Colonial Judges on the Judicial Committee, inasmuch as no salary is provided for the Judges, and, therefore, it is practically impossible to secure that the Judges shall sit. Even if salaries were provided, Judges who are actually employed could only occasionally sit on the Judicial Committee, and it will be necessary, in order to secure frequent sittings, that the holders of the office should be ex-Judges.

It will be observed that the Resolution of New Zealand does not touch upon the question which was formally discussed in 1901 as to the establishment of one final Court of Appeal for the Empire.

On the other hand, the Resolution of the Commonwealth definitely raises the old issue, and this is in harmony with their attitude in 1901.

At the Conference of 1901, the result of which was reported in Parliamentary Paper, [Cd. 846], it was proposed by Mr. Justice Hodges, who represented the Commonwealth of Australia, that there should be only one Court of Final Appeal, in which should be vested the appellate jurisdiction of the House of Lords and of the King-in-Council. The Court was to be composed, in addition to the Judges who were entitled to sit at the time in the House of Lords or the Judicial Committee, of one person appointed by the Lord Chancellor for each of the following places:—India, Canada, South Africa, and Australia. The other delegates, however, did not recommend the establishment of one Court, but they did recommend that appointments should be made to the Judicial Committee of such number of persons as might be considered necessary from one or more of the following:—

- (a) Dominion of Canada and Newfoundland.
- (b) The Commonwealth of Australia.
- (c) New Zealand.
- (d) South Africa.
- (e) The Crown Colonies.
- (f) India.

They recommended that the holders of these posts, who should not be restricted to Judges and ex-Judges, should vacate any other judicial office, and that appointments should be for life or for at least fifteen years. Suitable pensions should be provided and a salary should be paid sufficient to induce men of sufficient standing to accept the appointment.

Nothing substantially has been done to meet the recommendations made by Mr. Justice Hodges or by the other delegates. The question of Judicial Appeals was discussed at the Colonial Conference of 1907. The Commonwealth then put forward a resolution—that it was desirable to establish an Imperial Court of Appeal—and Mr. Deakin dealt with it on page 200, &c., of Parliamentary Paper, [Cd. 3523]. He then made certain complaints against the Judicial Committee. He pointed out that only four Judges sat on the case of *Webb v. Outtrim*, despite the fundamental importance of that case, and he urged that the House of Lords was preferred by Australian lawyers to the Judicial Committee. He said that the desires of Australia would be satisfied if arrangements could be made to transfer Australian appeals from the Judicial Committee of the Privy Council to the House of Lords, leaving it free for the other parts of the Empire to go to the Judicial Committee. Dr. Jameson, on behalf of the Cape Colony, preferred the Judicial Committee and the High Court of Australia which had arisen with regard to the income tax cases. He quoted with approval the recommendations of Mr. Justice Hodges in 1901, and it is possible that he meant that the Commonwealth would accept the House of Lords as a Final Court, when it would not accept the Judicial Committee. Dr. Jameson, on behalf of the Cape Colony, preferred the Judicial Committee; it is significant that the reason which he gave was the presence in that body of Sir H. de Villiers, and he assumed that if the House of Lords was the Final Court it would not be possible to provide for representation of the Colonies. Mr. Deakin pointed out to him that this assumption was needless, and he then withdrew his objection to one Final Court of Appeal. General Botha devoted his contribution to the discussion to the question of a Final Court of Appeal in South Africa and not to the constitution of the Court of Appeal in this country. Sir Wilfrid Laurier said that the appeal to the Judicial Committee had, as a general

rule, given great satisfaction, but he desired that the constitution should be remodelled, and he admitted that there was a conflict of opinion in Canada as to the value of an Imperial Court of Appeal at all. It is noteworthy that he was inclined to suggest that appeals by special leave were out of date and should be abolished. Sir Joseph Ward stated that New Zealand was in favour of an ultimate Court of Appeal—whether the Judicial Committee or an Imperial Court substituted for it. He indicated, however, that in his opinion the Judicial Committee was insufficiently informed with regard to the law of New Zealand. It was true that counsel called attention to the New Zealand side of the law, but when the argument was over the Committee might apply some rule of English law which had been revoked in New Zealand or omit to apply some rule of New Zealand law which did not exist in England, and to which at the moment their attention had not been specially called. He suggested that in the case of every appeal from the Colony a Judge of the Supreme Court should sit, not to take part in the arguments or decision but to supply full information as to the Colonial law. The Lord Chancellor explained in reply the existing constitution of the Judicial Committee as effected by the Act of 1895. He explained the relations of the House of Lords and the Judicial Committee and he pointed out that in the case of *Webb v. Outtrim* the four Judges who sat were men of the greatest distinction, including Lord Halsbury and Lord Macnaghten. He also indicated that simply to transfer the appeals to the Lords would be to deprive the cases of the advantage of being heard by distinguished Colonial Judges who now sat on the Judicial Committee. He also pointed out that if Australia or any other part of the Empire decided that the Privy Council should be constituted in a special manner for the hearing of appeal cases there would be no objection to that being done. With regard to the proposal of the fusion of the House of Lords into the Privy Council, he pointed out that it had never been fully discussed in England and that it would be premature to accept the principle.

As a result of the Conference steps were taken to pass the Act of 1908, which, in addition to amending the Act of 1895 so as to include among the Judges eligible for membership of the Judicial Council Judges of the High Court of the Commonwealth of Australia, of the Transvaal and Orange River Colony, and of Newfoundland, made provision for Colonial Judges sitting as assessors, in accordance with the suggestion put forward by Sir Joseph Ward and accepted by the Lord Chancellor. It cannot be said that opinion in this country has become any more clearly defined in favour of merging the House of Lords and the Judicial Committee, and therefore it seems very doubtful whether the Resolution of Australia can be accepted any more than it was accepted in 1907. It may safely be assumed that Australia would not be contented with the mere transfer to the House of Lords of the appellate jurisdiction of the Privy Council. What would be required would be an alteration of the House of Lords as a judicial body so as to include Colonial members and unless public opinion in this country is prepared to see British appeals decided by a Court on which Colonial members would sit action in the sense desired by the Commonwealth seems impossible.

The proposal of Sir Joseph Ward is to some extent different, and it is perhaps possible more fully to meet the position as raised by him.

There are various considerations to which weight attaches with regard to the question. In the first place there arises the question how far Imperial policy requires or renders desirable the retention of the right of appeal so far as the Courts of the self-governing Dominions are concerned. It is clear that little is gained with regard to securing uniformity of law, for the Dominions constantly legislate in derogation of the principles of the common law in which alone a uniformity can be obtained, and the judgments of the Privy Council are often not acceptable to the Dominions. For instance, the decision of the Privy Council with regard to the liabilities of information agencies was not satisfactory to New South Wales, and a Bill was introduced by the Government into the Parliament which would have altered the law as declared by the judgment of the Privy Council. As a matter of fact, in passing through the Parliament the proposed law was modified, but the action of the Government is characteristic of the manner in which from time to time the Privy Council's decisions are viewed.

The Judicial Committee does, however, afford a certain security in the minds of investors in Colonial securities. Moreover, the Judicial Committee have been and are of importance in maintaining uniformity of law as to the prerogatives of

the Crown. But the real value of a Supreme Court of Appeal from all the colonies is sentimental; and, if, on the one hand the appeal of the Privy Council has been at times a source of irritation, on the other hand there seems still to be no widespread desire or feeling in the Dominions that the appeal should be abolished. Although power exists in the Commonwealth Constitution for the Parliament to restrict the appeals in addition to the restrictions imposed by Section 74 of the Constitution itself, no such Bill has been introduced,* and at the Imperial Conference of 1907 the delegates from South Africa who were desirous of a single Court of Appeal in South Africa, a desire which has now been rendered effective by the formation of the Union, still preferred that the right to grant special leave to appeal from that Court should remain intact.

That the presence of a Colonial Judge or Judges on the Judicial Committee would really strengthen it seems to be a matter for legitimate doubt, but it is probable that it would be felt in the Dominions to add weight to the decisions of the Privy Council, however, little justified that feeling might be by the actual facts. There seems, therefore, to be some case for considering whether the Colonial representation on the Judicial Committee could not be made real instead of, as at present, in the main, nominal. It must be assumed, of course, that if the representation were made real the Colonial Judges could sit in all cases of appeals and not merely in cases of appeals from the Colonies. There would, it is assumed, be no objection to this, as if a Judge were of sufficient standing to be considered a suitable person to deal with appeals from the Colonies he would be a suitable person to hear the appeals in miscellaneous matters which now lie to the Judicial Committee.

To render effective the representation of the Colonies salaries must be provided, and the first question which arises is whether Parliament could be asked to pay salaries to Colonial Judges or whether the Colonies should be asked to pay these salaries. It is not certain which view would be taken by the Dominion Governments, and there are no doubt strong objections to asking Parliament to pay. The Colonial appeals exist ultimately for the benefit of the Colonies and therefore it can fairly be assumed that the Colonies should pay for the Judges.

The number of judges to be added might possibly include a Judge familiar with the Roman Dutch law and a Judge familiar with the English law as applied to Canada, a Judge familiar with the same law as applied to Australia, a Judge familiar with the same law as applied in New Zealand, and perhaps a Judge familiar with French law. It would probably be impossible to assume that a Judge familiar with English law would be satisfactory for Canada, Australia, and New Zealand, for the systems of law in these three countries, while resting on the basis of English law, have developed many important local peculiarities.

In any case the actual selection of a Judge would no doubt have to rest with the Colonies and, if the number were limited, with the self-governing Dominions in rotation. The Imperial control would be exercised through the fact that the choice of the Colonies would be restricted to Privy Councillors and the grant of a dignity of a Privy Councillor lies with the Imperial Government.

In any case, it would appear to be desirable to modify the Act of 1895, as amended in 1908, so as to provide that every person who falls within the qualifications of these Acts should be automatically a member of the Judicial Committee, thus removing the restriction at present of the number to five. (You will then be pressed to make every Judge of the High Court in every Dominion a Privy Councillor.) There seems no sound reason for restricting the number, and it seems unlikely that any possible disadvantage could result, as no Colonial Chief Justice is created a Privy Councillor unless he is of substantial merit and standing.

It is very doubtful whether any alteration of the constitution of the Court would satisfy the Commonwealth of Australia. Moreover, it is doubtful whether it would be particularly warmly welcomed in Canada, nor could Newfoundland be expected to care much one way or the other.

Colonial Office,

30 December, 1910.

* The Union Parliament has a similar power.

2900

No. 135.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 66.)	(New Zealand. No. 47.)
(New South Wales. No. 15.)	(South Africa. No. 68.)
(Queensland. No. 12.)	(Newfoundland. No. 20.)
(South Australia. No. 17.)	(Canada. No. 86.)
(Western Australia. No. 11.)	(Victoria. No. 10.)
(Tasmania. No. 6.)	

MY LORD,

SIR,

Downing Street, 10 February, 1911.

WITH reference to my despatch, No. [461] [182] [132] [95] [125] [96] [279] [319] [209], of the 30th of November,* [Canada: 73, of the 3rd instant†] [Victoria: 8, of the 3rd instant‡], I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copies of [four Orders] [Canada: two Orders] of His Majesty in Council respecting appeals to His Majesty in Council from the High Court of the Commonwealth of Australia and from the Supreme Courts of British Columbia, Manitoba [omit to Victoria: and Victoria.]

I have, &c.,

L. HARCOURT.

39648

No. 136.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

SIR,

Downing Street, 8 March, 1911.

WITH reference to your letter of the 30th November, last,§ I am directed by Mr. Secretary Harcourt to transmit to you the accompanying copy of a resolution to be moved by the Government of the Commonwealth of Australia at the Imperial Conference, with regard to the establishment of an Imperial Court of Appeal.

2. I am also to enclose the print of a memorandum|| which was drawn up in this Department, copies of which have been communicated, as the Lord President is aware, to the Lord Chancellor.

3. In the case of most of the other resolutions which have been proposed for discussion at the Conference, memoranda have already been transmitted to the Governments of the Dominions dealing briefly with the proposals in order that the matters may be more effectively dealt with when the Imperial Conference actually meets, and it is Mr. Harcourt's wish to send to the Dominions a similar memorandum on the subject of judicial appeals. He would propose, therefore, if the Lord President sees no objection, to send to the Dominions the memorandum of which a draft¶ is enclosed. It will be seen that this draft practically follows the lines of the printed memorandum|| but that it omits any controversial matter.

I am, &c.,

H. W. JUST.

Enclosure in No. 136.

Imperial Appeal Court: "That it is desirable that the judicial functions in regard to the Dominions now exercised by the Judicial Committee of the Privy Council should be vested in an Imperial Appeal Court which should also be the final court of appeal for Great Britain and Ireland."

* No. 132 (the despatch to Tasmania (35638: not printed) was in identic terms).

† 2900: not printed.

‡ No. 131.

§ No. 134.

¶ 2899: not printed.

‡ Enclosure in No. 137.

No. 137.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 182.)
(Australia. No. 131.)
(South Africa. No. 132.)

(New Zealand. No. 106.)
(Newfoundland. No. 65.)

MY LORD,
SIR,

Downing Street, 17th March, 1911.

WITH reference to my despatch, No. [38] [25] [30] [17] [8] of the 20th of January,* forwarding the Agenda for the Imperial Conference, I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, copies of a memorandum on the subject of the resolutions to be moved by the Dominion of New Zealand and the Commonwealth of Australia respecting an Imperial Court of Appeal.

2. This memorandum will form a convenient basis for the discussion at the Imperial Conference.

I have, &c.,
L. HARCOURT

39648

Enclosure in No. 137.

MEMORANDUM ON THE RESOLUTIONS OF NEW ZEALAND AND THE COMMONWEALTH OF AUSTRALIA WITH REGARD TO APPEALS FROM THE DOMINIONS.

The following is the text of the 11th Resolution which the Government of New Zealand have proposed to move at the Imperial Conference of 1911:—

Imperial Court of Appeal.—"That now it has become evident, in consideration of the growth of population, the diversity of laws enacted, and the differing public policies affecting legal interpretation in His Majesty's Oversea Dominions, that no Imperial Court of Appeal can be satisfactory which does not include judicial representatives of these Dominions."

The following is the text of the Resolution proposed by the Government of the Commonwealth of Australia:—

Imperial Appeal Court.—"That it is desirable that the judicial functions in regard to the Dominions now exercised by the Judicial Committee of the Privy Council should be vested in an Imperial Appeal Court, which should also be the final Court of Appeal for Great Britain and Ireland."

By an Imperial Act of 1895, as amended in 1908, provision was made that if any person who is or has been a Judge of the Supreme Court of Canada or of a Superior Court of a Canadian Province or of the Supreme Court of any of the Australasian or the South African Colonies or Newfoundland is a member of the Privy Council, he shall be a member of the Judicial Committee, provided that the number of persons so qualified shall not exceed five at any one time. Provision is also made by the Act of 1908 that, on the hearing of an appeal from any Dominion, a Judge of the Court from which the appeal is made or of an Appellate Court to which an appeal lies from that Court may attend as an Assessor of the Judicial Committee.

Under these provisions there are five Colonial Judges who are members of the Judicial Committee, namely, Lord de Villiers (South Africa), Sir Samuel Way (South Australia), Sir Samuel Griffith (High Court of Australia), Sir H. Taschereau (Canada), and Sir E. Barton (High Court of Australia).

No salary is provided for the Judges, who, with the exception of Sir H. Taschereau, are all actively engaged in judicial work in the Dominions. As a result, Sir Samuel Griffith and Sir E. Barton have never sat on the Judicial Committee. Sir Samuel Way sat several times in 1897 but has not been in England since, though he is expected in this country next year, while Lord de Villiers has sat on several occasions in 1897, 1900, 1901, 1905, and 1908, his expenses having

* No. 6 in [Cd. 5513].

been provided by the Parliament of the Cape. It will be seen, therefore, that the existing arrangements are inadequate to secure the presence of Colonial Judges on the Judicial Committee, inasmuch as no salary is provided for the Judges, and, therefore, it is practically impossible to secure that the Judges shall sit. Even if salaries were provided, Judges who are actually employed could only occasionally sit on the Judicial Committee, and it will be necessary, in order to secure frequent sittings, that the holders of the office should be ex-Judges.

It will be observed that the Resolution of New Zealand does not touch upon the question which was formally discussed in 1901 as to the establishment of one final Court of Appeal for the Empire.

On the other hand, the Resolution of the Commonwealth definitely raises the old issue, and this is in harmony with their attitude in 1901.

The question became of importance in 1900 during the discussions as to the Commonwealth of Australia Constitution Bill, under which it was proposed to modify considerably the right of appeal to the Privy Council in constitutional cases.

A suggestion was then put forward unofficially by Mr. Haldane that the Privy Council and the House of Lords should be amalgamated with a view to constituting a Court of Appeal of such strength as would be accepted readily in all parts of the Empire. The discussion of the matter was postponed for the time being, but a special Conference was called for 1901.

At the Conference of 1901, the result of which was reported in Parliamentary Paper [Cd. 846], it was proposed by Mr. Justice Hodges, who represented the Commonwealth of Australia, that there should be only one Court of Final Appeal, in which should be vested the appellate jurisdiction of the House of Lords and of the King-in-Council. The Court was to be composed, in addition to the Judges who were entitled to sit at the time in the House of Lords or the Judicial Committee, of one person appointed by the Lord Chancellor for each of the following places:—India, Canada, South Africa, and Australia. The other delegates, however, did not recommend the establishment of one Court, but they did recommend that appointments should be made to the Judicial Committee of such number of persons as might be considered necessary from one or more of the following:—

- (a) Dominion of Canada and Newfoundland.
- (b) The Commonwealth of Australia.
- (c) New Zealand.
- (d) South Africa.
- (e) The Crown Colonies.
- (f) India.

They recommended that the holders of these posts, who should not be restricted to Judges and ex-Judges, should vacate any other judicial office, and that appointments should be for life or for at least fifteen years. Suitable pensions should be provided and a salary should be paid sufficient to induce men of sufficient standing to accept the appointment.

Nothing substantially has been done to meet the recommendations made by Mr. Justice Hodges or by the other delegates. The question of Judicial Appeals was discussed at the Colonial Conference of 1907. The Commonwealth then put forward a resolution—that it was desirable to establish an Imperial Court of Appeal—and Mr. Deakin dealt with it on page 200, &c., of Parliamentary Paper, [Cd. 3523]. He then made certain complaints against the Judicial Committee. He pointed out that only four Judges sat on the case of *Webb v. Outtrim*, despite the fundamental importance of that case, and he urged that the House of Lords was preferred by Australian lawyers to the Judicial Committee. He said that the desires of Australia would be satisfied if arrangements could be made to transfer Australian appeals from the Judicial Committee of the Privy Council to the House of Lords, leaving it free for the other parts of the Empire to go to the Judicial Committee if they desired. He pointed out also the conflict between the Judicial Committee and the High Court of Australia which had arisen with regard to the income tax cases. He quoted with approval the recommendations of Mr. Justice Hodges in 1901. Dr. Jameson, on behalf of the Cape Colony, preferred the Judicial Committee; it is significant that the reason which he gave was the presence in that body of Sir H. de Villiers, and he assumed that if the House of Lords was the Final Court it would not be possible to provide for representation of the Colonies. Mr. Deakin pointed out to him that this assumption was needless, and he then withdrew his objection to one Final Court of Appeal. General Botha devoted his

contribution to the discussion to the question of a Final Court of Appeal in South Africa and not to the constitution of the Court of Appeal in this country. Sir Wilfrid Laurier said that the appeal to the Judicial Committee had, as a general rule, given great satisfaction, but he desired that the constitution should be remodelled, and he admitted that there was a conflict of opinion in Canada as to the value of an Imperial Court of Appeal at all. It is noteworthy that he was inclined to suggest that appeals by special leave were out of date and should be abolished. Sir Joseph Ward stated that New Zealand was in favour of an ultimate Court of Appeal—whether the Judicial Committee or an Imperial Court substituted for it. He indicated, however, that, in his opinion, the Judicial Committee was insufficiently informed with regard to the law of New Zealand. It was true that counsel called attention to the New Zealand side of the law, but when the argument was over the Committee might apply some rule of English law which had been revoked in New Zealand or omit to apply some rule of New Zealand law which did not exist in England, and to which at the moment their attention had not been specially called. He suggested that in the case of every appeal from the Colony a Judge of the Supreme Court should sit, not to take part in the arguments or decision, but to supply full information as to the Colonial law. The Lord Chancellor explained in reply the existing constitution of the Judicial Committee as effected by the Act of 1895. He explained the relations of the House of Lords and the Judicial Committee and he pointed out that in the case of *Webb v. Outtrim* the four Judges who sat were men of the greatest distinction, including Lord Halsbury and Lord Macnaghten. He also indicated that simply to transfer the appeals to the Lords would be to deprive the cases of the advantage of being heard by distinguished Colonial Judges who now sat on the Judicial Committee. He further pointed out that if Australia or any other part of the Empire decided that the Privy Council should be constituted in a special manner for the hearing of appeal cases there would be no objection to that being done. With regard to the proposal of the fusion of the House of Lords into the Privy Council, he pointed out that it had never been fully discussed in England and that it would be premature to accept the principle.

As a result of the Conference steps were taken to pass the Act of 1908, which, in addition to amending the Act of 1895 so as to include among the Judges eligible for membership of the Judicial Council Judges of the High Court of the Commonwealth of Australia, of the Transvaal and Orange River Colony, and of Newfoundland, made provision for Colonial Judges sitting as assessors, in accordance with the suggestion put forward by Sir Joseph Ward and accepted by the Lord Chancellor.

Colonial Office,
February 1911.

8248

No. 138.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNORS.

(Australia. No. 150.)
(New South Wales. No. 40.)
(Queensland. No. 28.)
(South Australia. No. 31.)
(Victoria. No. 26.)

(Western Australia. No. 27.)
(Tasmania. No. 16.)
(New Zealand. No. 123.)
(Newfoundland. No. 78.)

MY LORD,
SIR,

Downing Street, 31 March, 1911.

WITH reference to my despatch, No. [66] [15] [12] [17] [10] [11] [6] [47] [20] of the 10th of February,* I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copy of an Order of His Majesty in Council† with regard to the procedure in connection with appeals from the Appellate Division of the Supreme Court of South Africa to His Majesty in Council.

I have, &c.,
L. HARCOURT.

* No. 135.

† Order in Council, 4 March, 1911.

5.

(Resolution VIII.) Commercial Relations and British Shipping.

39639

No. 139.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 6 January, 1911.

WITH reference to your letter of the 31st August,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, the accompanying extracts from a telegram from the Governor-General of the Commonwealth of Australia giving the text of resolutions to be moved by his Government at the Imperial Conference of 1911 with regard to commercial relations and British shipping.

2. In view of the very general character of the resolutions proposed, it seems to Mr. Harcourt that it is impossible to make any preparations for the discussion by the preparation of memoranda except, indeed, in so far as the memoranda which are already being prepared on certain of the resolutions proposed by the Government of New Zealand may prove to cover the ground of these resolutions, and that, in these circumstances, it will be sufficient to await a further expression of the views of the Commonwealth Government at the Conference.

3. I am to add that a copy of these resolutions is also being forwarded to the Foreign Office, as it is possible that the Commonwealth Government may desire to obtain the fuller co-operation of British diplomatic agents and consuls abroad in advancing the interests of Australian trade.

I am, &c.,
C. P. LUCAS.

Enclosure in No. 139.

Commercial Relations and British Shipping.—That it is advisable in the interests both of the United Kingdom and of the British Dominions beyond the seas that efforts in favour of British manufactured goods and British shipping should be supported as far as is practicable."

2163

No. 140.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 31 January, 1911.

WITH reference to previous correspondence with regard to the Imperial Conference of 1911, I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Board of Trade, an extract from a telegram from the Governor-General of the Union of South Africa, proposing certain questions relating to defence and trade preference for discussion at the Imperial Conference.

2. I am to add that a copy of this telegram has been communicated to the Admiralty and War Office and to the Committee of Imperial Defence.

3. Mr. Harcourt would be glad to receive an expression of the views of the Board of Trade with regard to the proposal made in Resolution No. 4. In particular he would wish to learn the opinion of the Board as to the value of the present preference in respect of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and it might be convenient if a memorandum could be prepared indicating the nature of the preference and its operation in practice. It will be remembered that similar memoranda (published on pp. 331 *et seq.* of [Cd. 3524]) were prepared for the last Imperial Conference, and Mr. Harcourt would

* 27025: not printed.

take this opportunity of suggesting that these memoranda should be brought up to date with reference to the South African resolution, and that a similar course should be adopted with regard to the other statistics of trade prepared by the Board of Trade for the last Conference.

I am, &c.,
H. W. JUST.

Enclosure in No. 140.

"(3) That wherever votes in favour of monetary contributions towards Imperial Naval Defence are made by the overseas Dominions, any naval service rendered or provision for local coast defences made by such Dominions with approval of the Admiralty be borne on such votes.

(4) That the desirability be considered of replacing the system of trade preferences at present granted by the overseas Dominions to Great Britain by a system of contributions in money or services to Imperial naval and local defence."

2160

No. 141.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 7 February, 1911.

IN continuation of the letter from this Office of the 6th January,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, the accompanying extract from a telegram from the Governor-General of the Union of South Africa, giving the text of a resolution with regard to the promotion of trade which is to be moved by his Government at the Imperial Conference of 1911.

2. It will be observed that the resolution is, like the resolution proposed by the Government of the Commonwealth of Australia, in general terms. Mr. Harcourt does not consider it necessary that any special memorandum should be prepared with regard to it.

I am, &c.,
H. W. JUST.

Enclosure in No. 141.

"2.—(a.) That concerted action be taken by all Governments of the Empire to promote better trade."

2160

No. 142.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 10 February, 1911.

WITH reference to the letter from this department of the 6th January,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, a copy of a further letter‡ which has been addressed to the Board of Trade with which is enclosed an extract from a telegram from the Governor-General of the Union of South Africa, giving the text of a resolution relating to the promotion of trade which is to be moved by his Government at the Imperial Conference of 1911.

I am, &c.,
H. W. JUST.

* No. 139.

† Not printed: it forwarded copy of the Enclosure in No. 139.

‡ No. 141.

4312

No. 143.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 10 February, 1911.

IN continuation of the letter from this Office of the 31st of January,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, copy of a telegram† from the Governor-General of the Union of South Africa on the subject of the resolutions proposed by his Government for discussion at the Imperial Conference.

2. Mr. Harcourt thinks it may still be convenient if a memorandum could be prepared with regard to the question of preference, especially in connexion with South Africa.

I am, &c.,
H. W. JUST.

7744

No. 144.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 173.)
(Australia. No. 124.)
(South Africa. No. 127.)

(New Zealand. No. 100.)
(Newfoundland. No. 56.)

MY LORD,

SIR,

Downing Street, 15 March, 1911.

WITH reference to my despatch, No. [38] [25] [30] [17] [8], of the 20th January,‡ forwarding agenda of the Imperial Conference, I have the honour to submit to [Your Excellency] [you], for the information of your Ministers, proof copies of tables§ which have been prepared by the Board of Trade giving particulars of British trade with the self-governing Dominions and foreign countries.

2. These tables are in continuance of statistics laid before the Conference of 1907, and may be of interest in connexion with the first and second resolutions to be proposed by the Government of the Commonwealth of Australia, and the second resolution to be proposed by the Government of the Union of South Africa at the Imperial Conference.

I have, &c.,
L. HARCOURT.

7744

No. 145.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 146.]

SIR,

Downing Street, 15 March, 1911.

WITH reference to your letter of the 3rd March,|| I am directed by Mr. Secretary Harcourt to request that you will inform the Board of Trade that he has forwarded to the Governors-General and Governors of the self-governing Dominions copies of the enclosed proof tables of trade statistics.§

2. I am to add that inasmuch as the question of preferential trade may come up on the first resolution of the Commonwealth of Australia, Mr. Harcourt would be glad if the Board of Trade could take steps to bring up to date the memoranda as to the effect of the preferences granted by the self-governing Dominions which are printed at pages 317, &c., of Parliamentary Paper [Cd. 3524]. When these memoranda were prepared the experience of preferences in all cases except that of Canada had been very limited, and in the case of the Commonwealth the position has been changed by the Commonwealth legislation of 1907-1908.

I am, &c.,
C. P. LUCAS.

* No. 140.

† No. 6 in [Cd. 5513].

‡ No. 10 in [Cd. 5513] February, 1911.

§ For revised tables see Appendices I-IV.

7744: not printed (forwarding the proof statistics).

18669

No. 146.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 27 April, 1911.)

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 25th April, 1911.

SIR,

WITH reference to previous correspondence on the subject of the statistical and other documents required in connection with the forthcoming Imperial Conference, and especially to the letter addressed to you from this Department on the 3rd March, and your reply of the 15th March,* I am now directed by the Board of Trade to forward to you twelve copies of four sets of tables† bearing upon questions of inter-Imperial trade and navigation, and an equal number of copies of the memoranda relating to the resolutions to be placed before the Conference by His Majesty's Government with reference to International Exhibitions‡ and Arbitration Awards,§ as well as of a further memorandum|| relating to the Protection of Patents and Trade Marks.

I am to state, as regards the statistical tables numbered (1), (2), and (3), that they include the material comprised in the series of tables forwarded with the Board's letter of the 3rd March, with additions; the series numbered (4) is a new series expanded from certain tables contained in Memorandum XXV. laid before the last Conference, and, as will be seen, contains information relating to the movement of shipping between different parts of the Empire.

A further supply of any or all of these documents will be forwarded by the Board on learning Mr. Secretary Harcourt's requirements.

I have, &c.,
GEO. J. STANLEY.

* 7744: not printed, and No. 145.
§ Enclosure in No. 389.

† Appendices I-IV.

‡ Appendix VI.

|| Appendix VII.

Suez Canal Dues.

2623

No. 147.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 27 January, 1910.)

[Answered by No. 148.]

SIR,

Foreign Office, January 26, 1910.

WITH reference to your letter of the 15th instant, 923/10,* on the subject of the desire of the New Zealand Government for a reduction of the Suez Canal dues, I am directed by Secretary Sir E. Grey to suggest that a reply should be sent to the Governor of New Zealand to the effect that this question has engaged the careful consideration of His Majesty's Government.

I am to enquire whether the Secretary of State for the Colonies has any criticisms to offer upon the statement of the Suez Canal Company, contained in the British Directors' letter, No. 4, of the 8th of February last (which was forwarded from this Office to the Colonial Office on February 25th†) with regard to the causes why certain vessels prefer the Cape route to that through the Suez Canal.

I am, &c.,

LOUIS MALLET.

2623

No. 148.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 149.]

SIR,

Downing Street, 8 March, 1910.

IN continuation of the letter from this Office of the 8th of February,‡ I am directed by the Earl of Crewe to request that you will submit to Secretary Sir Edward Grey the following observations on the subject of the Suez Canal dues and their effect on British shipping.

2. The composition of the directors of the Canal Company is such that the sole interest of the overwhelming majority of thirty-two members is to maintain the dues at the highest possible level consistent with not destroying the trade altogether. The representatives of the shareholders are naturally not inclined to alter the dues, as 28 per cent, is now paid on the original capital, and there is no incentive to risk a position which is at present secure. The majority of the representatives of the shipowners either represent great fleets of liners, such as the Peninsular and Oriental and the British India Companies, or are in close touch with such lines and support their views. It is obviously not in the interests of these lines that competition in the trade to the East should be encouraged by the lowering of the Canal dues, even though a diminution of the dues would to some extent benefit the lines, for any gain from a reduction of the tonnage dues would be far more than counter-balanced by a probable reduction in freights due to increased competition. The representatives of tramp steamers and possible competitors with the liners are in a hopeless minority, and it is, therefore, clear that the directors of the Company, as a body, may be expected consistently to oppose any attempt to reduce the Canal dues, however desirable such reduction may be shown to be to the general community.

3. The arguments of the directors against the reduction appear to be, in the main, two.

First, although 28 per cent. is paid upon the original capital, the present shareholders have mostly bought at so high a price that they only get a normal percentage of 4 per cent. or less on their money. In Lord Crewe's opinion no weight can be attached to this argument, which would obviously justify the directors in raising the rates if 28 per cent. were not the highest dividend at present payable to any point which did not kill the trade, since the value of the shares would always rise and fall

* Not printed.

† 6980: not printed.

‡ 2623: not printed.

in accordance with the receipts, so as to provide a normal rate of interest for the investor at the moment.

In the second place it is argued that a reduction of dues would not increase appreciably, if at all, the number of steamers using the Canal. Lord Crewe feels bound to regard this argument as unsatisfactory. Heavy tolls must certainly check traffic, and reduction of tolls will increase the traffic. Moreover, the figures which are adduced in the memorandum from the Company, which was enclosed in your letter of the 25th of February, 1909,* have no real bearing on the question. It is stated that a greater proportion of ships return to Europe *via* the Canal than proceed to Australia by that route, and conversely, that a greater proportion go from Europe to Australasia *via* the Cape. The reason for this fact is, of course, that the winds between the Cape and Australia blow from west to east, and in order to return from Australia *via* the Cape a vessel must either go very far out of its course to the northward to avoid the prevailing westerly gale or else must incur an immensely increased consumption of coal and a very real risk of damage in consequence of having to make head against the gales. The figures show that of those vessels which have a free choice of route, omitting, that is, all the mail ships which are bound to proceed *via* the Canal, 26 per cent. adopt the Canal route, and apparently the contention of the Company is that not more than 26 per cent. would use the Canal even if the dues were reduced.

This contention is supported by two arguments.

The first is that vessels proceed *via* the Cape in order to pick up cargo at Cape ports for Australasia. As to this, it may be observed that the figures show that no less than 100 out of 326 vessels proceeding *via* the Cape never touch at any South African port at all, and that it is impossible to say how many of the rest only call for the purpose of replenishing their stores of coal or water.

The second argument is that many of the vessels which proceed *via* the Cape are obliged to choose that route owing to their draught of water. Reference is made to the White Star liners, which draw 32 ft. 6 ins., and therefore cannot proceed through the Canal. Lord Crewe is advised that in all probability of the vessels which adopt the Cape route the proportion having a draught of water which precludes passage through the Canal is so small as to be negligible, and he observes that one of the reasons advanced by the Canal Company for maintaining the present dues is that a large sum must be devoted in the immediate future to the deepening of the Canal, and that the directors have publicly stated that they propose to deepen down sufficiently to take ships of almost any draught.

Lord Crewe, in view of these considerations, is inclined to suggest to Sir Edward Grey that it would be desirable for His Majesty's Government to make an effort to secure a reduction of the Canal dues. Such a reduction would benefit the trade of the world and would be especially helpful for intercommunication between this country and her East and South-East African and Australasian Colonies. The Governments of Australia and New Zealand would welcome any action which might be taken by His Majesty's Government; East Africa would benefit immediately, and as the Protectorates there receive grants-in-aid the Imperial Treasury would be, to some extent, relieved of the present burden entailed upon it.

I am, &c.,

FRANCIS J. S. HOPWOOD.

12651

No. 149.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received April 30, 1910.)

SIR,

Foreign Office, April 29, 1910.

WITH reference to your letter of the 8th ultimo,† I am directed by Secretary Sir E. Grey to transmit to you, herewith, copy of a despatch from the British Official Directors of the Suez Canal Company replying to your observations on the question of the reduction of the Suez Canal dues.

I am to state that the whole question of the reduction of the dues is at present under the consideration of Sir E. Grey.

I am, &c.,

LOUIS MALLET.

* 6980: not printed.

† No. 148.

Enclosure in No. 149.

(No. 8. Commercial.)

SIR,

Paris, April 2nd, 1910.

WE have the honour to acknowledge the receipt of your despatch, No. 6, Commercial, of the 15th March, enclosing two letters from the Colonial Office with regard to the Suez Canal dues and their effect on the trade between the United Kingdom and the Australian Colonies.

As you are aware, this matter has already formed the subject of correspondence between the two Departments, and the views of the British Government Directors are fully set forth in the despatches to your Department, No. 21, Commercial, of August 31st, 1906, and No. 27, Commercial, of October 5th, 1908.*

Nothing has occurred since the latter date to alter the opinion which we then expressed.

With regard to the statement in Sir Francis Hopwood's letter of the 8th ultimo "that the composition of the Direction of the Canal Company is such that the sole interest of the overwhelming majority of thirty-two members is to maintain the dues at the highest possible level consistent with not destroying the trade altogether," we would venture to submit that this is far from being the case. The Company has constantly recognised the necessity for lowering the transit dues whenever the reduction could be made consistently with the legitimate interests of the shareholders.

Since the year 1883 these dues have been reduced from 10 francs to 7.75 francs per ton, and successive Presidents have invariably stated their intention of making further reductions whenever warranted by the increase in the net revenue of the Canal.

We may mention that in accordance with this principle, and in view of the increased returns, there is good reason to believe that a further substantial reduction is likely to be proposed to the shareholders at the next General Meeting.

It is possible that sufficient allowance has not been made by the critics of the Canal Administration for the large sums that have been spent of late years, and that are to be spent in the near future, upon works for widening and deepening the Canal and for facilitating navigation.

As we have more than once pointed out, the final decision upon any reduction of the dues must of necessity rest with the shareholders, and all that the Administration of the Canal can do is to make proposals and urge their acceptance as far as possible.

We repeat that, in our opinion, the prevailing feeling of the Council is decidedly in favour of reducing the dues, and in the case of those Directors representing shipping companies, the interests of their shareholders must be a powerful inducement to support any proposal to this effect.

With regard to the second question raised in Sir Francis Hopwood's letter, namely, the reasons that may determine shipowners in their choice of route in going to or coming from Australia, we would observe that we have expressed no opinion upon this subject. In our despatch, No. 4, Commercial, of the 8th February, 1909, we forwarded a copy of a letter from the London Agent of the Suez Canal Company but gave no opinion of our own. Such questions must remain more or less a matter for conjecture, and depend on the conditions of trade which exist at the moment, and we do not feel qualified to judge of their validity or to offer any advice which can serve as a reasonable basis for a decision in the matter.

The large increase which took place in the traffic last year—and which has developed still further during the quarter just ended—would appear to show that from a general point of view the present tariff is far from being a prohibitive one.

We have, &c.,

H. AUSTIN LEE.

H. T. ANSTRUTHER.

W. E. GARSTIN.

Sir Edward Grey, Bart., M.P.,

&c., &c., &c.

* No. 2 in [Cd. 3345] and No. 130 in Dominions No. 7.

26103

No. 150.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 687.)

(New Zealand. No. 210.)

(Australia. No. 345.)

(Newfoundland. No. 162.)

(South Africa. No. 193.)

MY LORD,

Downing Street, 10 September, 1910.

SIR,

[*To Australia only:* With reference to my despatch, No. 203, of the 28th of May, 1909,*] [*To New Zealand only:* With reference to Lord Plunket's despatch, No. 103, of the 25th of November last,†] [*To remainder:* With reference to the correspondence as to the Suez Canal dues published in Parliamentary Paper [Cd. 3345], of which a copy is enclosed for convenience of reference], I have the honour to acquaint [your Excellency], [you], for the information of your Ministers, that at a meeting of the Council of the Suez Canal Company held on the 1st of August, it was decided to reduce the transit dues from francs 7.75 to francs 7.25 per ton, the reduction to take effect from the 1st of January, 1911.

I have, &c.,
CREWE.

30116

No. 151.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1 October, 1910.)

[Answered by No. 154.]

(No. 198.)

MY LORD,

Governor-General's Office, Melbourne, 25th August, 1910.

REFERRING to your Lordship's despatch, No. 396, dated 20th November, 1908,‡ on the subject of the possibility of a reduction in the present dues charged by the Suez Canal Company, I have the honour to transmit herewith a copy of a further despatch which has been addressed to me by His Majesty's Prime Minister of the Commonwealth upon this matter.

I have, &c.,
DUDLEY,
Governor-General.

Enclosure in No. 151.

(10/3745.)

MY LORD,

Prime Minister, Melbourne, 23rd August, 1910.

WITH reference to the despatch of the Secretary of State for the Colonies, dated 20th November, 1908, No. 396, and previous correspondence, relative to the charges imposed on shipping using the Suez Canal, I have the honour to invite Your Excellency to be so good as to inform Lord Crewe that the question has been recently brought again under the notice of the Government, and a copy of recent questions and replies on the subject in the House of Representatives is attached.

2. The distance of Australia from the markets of Europe in itself constitutes a great handicap to our producers, and the Government of the Commonwealth regrets that this differentiation should continue to be magnified by what are generally felt to be the unfairly high charges imposed by the Suez Canal Company. That the investors in this great undertaking should receive a fair and even a liberal reward for their enterprise is well recognised, but Ministers feel that it is no longer fair that trade should be hampered to the extent that it is by the present scale.

3. The advantages to be obtained by the widening and deepening of the canal are obvious, but it is presumed that the extent of the expenditure involved in these

works can be foreseen. It would be satisfactory if some authoritative statement could be obtained from the controlling body of the canal fixing a time when these additional works would cease to be a drain on their revenue, and a substantial reduction in charges be possible.

4. Notwithstanding the fact that the voting power of Great Britain is not proportionate to the extent of her interests, Ministers feel that persistent and vigorous representations by the British delegates would not be without effect. They trust, therefore, that the Secretary of State will use his influence to have such representations made at an early date.

I have, &c.,
ANDREW FISHER.

His Excellency the Governor-General.

HOUSE OF REPRESENTATIVES.

10th August, 1910.

SUEZ CANAL DUES.

Mr. FENTON asked the Minister of External Affairs, upon notice:—

- (1) Whether he will urge upon the British Government, who are the dominant shareholders in the Suez Canal, the reduction of the excessive toll now charged on vessels using that canal from Australia to Europe?
- (2) Whether he is aware that such canal dues are equal to an impost of 10s. per ton on Australian produce going to Great Britain, and British goods coming to Australia?
- (3) Will he urge that the question be fully discussed at the next Imperial Conference if no redress is granted before that Conference takes place?

Mr. BATCHELOR: The answers to the honourable member's questions are:—

- (1) Representations have been made on several occasions during the past few years for the purpose of obtaining a reduction of the rates charged, but without success. I think the time has arrived when a further communication might be sent, and will take steps accordingly. The honourable member is in error in describing the British Government as the dominant shareholders in the Canal; the voting power of Great Britain very inadequately represents the proportion of shares held by His Majesty's Government.
- (2) The charge is 6s. 2d. per ton on the Suez Canal Register.
- (3) As so few of the Governments to be represented at the Imperial Conference are interested in the question, the meeting of that body may not be the most convenient occasion for discussing it, but the representatives of this Government who visit England next year will bring the matter prominently before the Imperial Government.

30116

No. 152.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 153.]

SIR,

Downing Street, 6 October, 1910.

WITH reference to your letter of the 18th August,* I am directed by the Earl of Crewe to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of a despatch† from the Governor-General of the Commonwealth of Australia on the subject of the Suez Canal Dues.

2. The decision as to the reduction of the fees which was notified in your letter under reference was communicated to the Governor-General in a despatch of the 10th September.‡

3. Lord Crewe proposes, subject to the concurrence of Sir Edward Grey, to refer the Governor-General to that despatch, and to state that it is feared that it will not be possible at present to obtain any further reduction, but that the views

* 6980: not printed.

† 923: not printed.

‡ No. 131 in Dominions No. 7.

* 26103: not printed.

† No. 151.

‡ No. 130.

expressed by the Commonwealth Government will be brought to the notice of the official Directors of the Company.

I am, &c.,
C. P. LUCAS.

32142

No. 153.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 20 October, 1910.)

SIR,

Foreign Office, October 19, 1910.

WITH reference to your letter, No. 30116/1910, of the 6th instant,* enclosing copy of a despatch from the Governor-General of the Commonwealth of Australia on the subject of the Suez Canal dues, I am directed by Secretary Sir E. Grey to state that he concurs in the reply which the Secretary of State for the Colonies proposes to return to the despatch in question.

I am, &c.,
LOUIS MALLET.

32142

No. 154.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 403.)

MY LORD,

Downing Street, 21st October, 1910.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 198, of the 25th of August† on the subject of the possibility of obtaining a reduction in the Suez Canal dues.

2. In reply, I have to request you to refer your Ministers to my despatch, No. 345, of the 10th of September‡ from which they will see that a small reduction has already been obtained in the amount of these dues, and to inform them that, while it is feared that it will not be possible to obtain any further reduction at present, the views of the Commonwealth Government will be brought to the notice of the official directors of the Company.

I have, &c.,
CREWE.

37736

No. 155.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10 December, 1910.)

[Copy to Foreign Office and Board of Trade, 22 December, 1910. L.F.]

(No. 258.)

Commonwealth of Australia, Governor-General's Office.

MY LORD,

Melbourne, 5th November, 1910.

REFERRING to your Lordship's despatch, No. 345, dated 10th September last,‡ conveying an intimation that it has been decided by the Council of the Suez Canal Company to make a reduction in the transit dues, to take effect from 1st January next, I have the honour to express the Commonwealth Government's appreciation of the result of the representations in this matter which were doubtless made by the British representatives on the Council.

The Prime Minister also expresses the hope that the question of further reductions in the charges will receive consideration at an early date.

I have, &c.,
DUDLEY,
Governor-General.

* No. 152.

† No. 151.

‡ No. 150.

Shipping Conferences or Combines.

2162

No. 156.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 157.]

SIR,

Downing Street, 31 January, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, the accompanying extract from a telegram from the Governor-General of the Union of South Africa, giving the text of a resolution with regard to shipping conferences to be moved by his Government at the Imperial Conference of 1911.

2. Mr. Harcourt would be glad to receive a memorandum of the views of the Board of Trade on the subject of the proposed discouragement of shipping conferences or combines which could be communicated to the Governments of the Dominions in anticipation of the Conference. With this object, I am to request that the matter may be treated as one of urgency and the memorandum forwarded to this Department as soon as the Board can make it convenient to do so.

I am, &c.,
H. W. JUST.

Enclosure in No. 156.

"(2) That concerted action be taken by all Governments of the Empire to promote better trade and postal communications between Great Britain and the overseas Dominions, and in particular to discourage shipping conferences or combines for the control of freight rates between the various portions of the empire."

6203

No. 157.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 24 February, 1911.)

[Answered March 8, 1911 : agreeing to the conference.]

Marine Department, 7, Whitehall Gardens, London, S.W.,

SIR,

24th February, 1911.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 31st January* (No. 2162/1911), transmitting an extract from a telegram from the Governor-General of the Union of South Africa, giving the text of a resolution to be moved at the Imperial Conference on the subject of shipping conferences and combines.

In compliance with Mr. Harcourt's request for a memorandum on the subject of the proposed discouragement of shipping conferences, I am to transmit herewith a memorandum on the subject of shipping rings generally.

I am, however, to refer to the letter from this Department of the 24th November last,† and to the previous correspondence referred to therein, relative to the proposal by the Canadian Government for the regulation of ocean freight rates, and I am to state that in view of the considerations shown in those letters, the Board do not feel themselves in a position at present to express any definite views on the desirability of any action to be taken against the operation of shipping conferences.

* No. 156.

† 35986 : not printed.

I am, however, to suggest, for Mr. Harcourt's consideration, that it might be advantageous if arrangements were made for representatives of the Colonial Office and the Board of Trade, and possibly also of the General Post Office, to discuss the question before the Imperial Conference meets.

I have, &c.,
H. LLEWELLYN SMITH.

Enclosure in No. 157.

MEMORANDUM.

SHIPPING RINGS.

A history of the question of Shipping Rings prior to the appointment of the Royal Commission of 1906 is contained in Appendix II. of Vol. II. of the Report of that Commission.*

During the years 1902-6 the operations of the South African Conference aroused considerable interest both in the United Kingdom and in South Africa.

The chief complaints made were:—

1. That rates of freight were excessive and their effect was to raise unduly the prices of commodities in South Africa.
2. That owing to the system of "deferred rebates" merchants and shippers were tied to the Conference and were unable to take advantage of lower rates temporarily offered by lines or tramp steamers outside the Conference.
3. That the Conference charged lower rates from foreign ports than from British ports to South Africa, although carrying goods a greater distance, and that this had diverted trade from the United Kingdom to foreign countries.

A Conference of delegates from the various South African Colonies held at Johannesburg in 1904 made drastic recommendations calling for the abolition of—

- (i) the system of deferred rebates;
- (ii) preferential rates from the United States or the Continent to South Africa;
- (iii) secret concessions to shippers.

The shipowners in the South African trade did not attend this Conference although they were invited to do so, and the Conference did not consider it necessary to take any new evidence, proceeding on the assumption that the freight rates were excessive and the system of deferred rebates objectionable.

The Board of Trade had also received complaints prior to 1906 as to the operations of shipping rings and as to differential rates existing in other trades, *e.g.*, the trades to Australia, New Zealand, West Africa, and the trade homeward from the East.

The question of shipping rings had also in the meantime attracted public attention in other Colonies. In 1902 a Straits Settlements Commission issued a report on the Straits Homeward Conference, and in 1906 the Annual Report† of the Colonial Secretary refers to an agreement made between shipowners in regard to the trade from the East to the United States the effect of which, it was said, had been to raise rates considerably.

A Royal Commission on Ocean Freights was appointed in West Australia in 1905, and found that the existing rates to Fremantle were excessive, and that they

were due to the operation of a ring of ship brokers who chartered ships and made use of the rebate system.

In 1906 a Royal Commission appointed in Australia to consider the provisions of the Commonwealth Navigation and Shipping Bill recommended that rebates should be made illegal if given on the condition of exclusive shipment by a certain vessel or vessels.

It was felt that the facts did not justify His Majesty's Government in initiating or sanctioning legislation on the subject of deferred rebates without further inquiry, and accordingly His Majesty was advised to appoint a Royal Commission to inquire into the operation of shipping "Rings" generally, and especially into the system of deferred rebates.

The Colonies were represented on this Commission by Captain R. M. M. Collins (Australia), Mr. H. Birchenough (South Africa), the Honourable W. Pember Reeves (New Zealand), and Mr. I. H. Mathers (Canada), while Sir D. Barbour represented India. It should also be mentioned that a Sub-Commission of the Royal Commission visited South Africa in the autumn of 1907 and took a large body of evidence from merchants and traders in all the South African Colonies.

The Royal Commission issued their Report in 1909, and it is perhaps only necessary here to refer briefly to their recommendations.

The main recommendation of the majority was that shippers and merchants in a given trade should form themselves into an Association so that they might present a united front and so check abuses of the Conference system (paragraphs 324-332). The Commission considered that the conduct of negotiations between Associations of shippers and the Conference lines would lead to a better understanding and the removal of friction.

While the Commission did not think that a Conference would fail to meet such an Association, they recommended that in the event of a failure to reach an agreement on any point, the Board of Trade should be empowered to appoint conciliators on the application of one party or arbitrators on the application of both parties.

The Commission thought that there might be cases where public interests were grievously affected either by the checking of a trade or by its more or less permanent diversion. In such cases they considered that the Board of Trade should have power to appoint competent persons to investigate the matter, and to report to them. In order that the Board of Trade should be cognisant of the operations of Shipping Conferences the Commission recommended that all Conference Agreements, rebate circulars, forms, &c., should be deposited confidentially at the Board of Trade, and, further, that all Shipping Conferences should be required to publish their tariffs of rates.

With regard to the complaint made against the Conference system, that its result had been to divert trade from the United Kingdom to foreign countries, the Royal Commission found that so far as competitive goods from the Continent were concerned the general effect of the system had been to maintain rates at the same level as rates on similar goods from the United Kingdom. They considered, however, that the failure to obtain a similar result so far as regards competitive goods from the United States and the rate wars which had existed in the export trade of that country had enabled United States manufacturers to attain a footing in South Africa and Australia. They thought, however, that the diversion of trade to the United States was not likely to increase.

Other complaints against the Conference system, *e.g.*, that excessive or arbitrary rates were charged, that tariffs and classifications were not published, &c., were found to have some basis, and the recommendations of the Commission as to the formation of Associations and as to conciliation and arbitration procedure indicated what, in their opinion, was the best method of dealing with these complaints.

On the other hand, the Commission found that the advantages claimed for the Conference system, such as the provision of regular sailings at fixed rates, the supply of ships of fairly uniform character, the provision of transport services under conditions of reasonable economy, the fixing of rates on stable and reasonable bases, and the uniformity of charges to all shippers could not be got by unrestricted competition, but that all these advantages were largely dependent upon the existence of a Conference system.

* [Cd. 4668].

† Colonial Reports Annual—No. 540.

The Commission refused to adopt any of the drastic recommendations submitted to them by various witnesses, such as—

- (i) the abolition of the system of deferred rebates;
- (ii) the establishment of a Board of Control;
- (iii) the modification of rebate conditions by legislation;

while they considered that Government influence, exercised by means of mail contracts and Government cargo, would not by itself afford an adequate remedy for the grievances which may arise.

The Board of Trade have had the recommendations of the Royal Commission under their consideration, but up to the present no legislation has been enacted on the subject in the United Kingdom.

A Bill has passed through the Legislature of the Straits Settlements imposing a duty on all bills of lading, which will only be payable by owners or agents of ships belonging to a combine for the maintenance of rates in a manner injurious to the trade of the colony, and further entitling any shipper to recover from any such owner or agent, 10 per cent. of the freight paid six months after payment.

This Bill has been suspended until July 1st next pending the arrival in this country of the Governor of the Straits Settlements who is coming to negotiate with representatives of the Straits Shipping Conference.

The Post Office Bill introduced into the Parliament of the South African Union prohibits the Postmaster-General of the Union from entering into any contract for the carriage of mails with any combine which maintains rates at a level injurious to the trade of the Union or which gives deferred rebates on condition of exclusive shipment.

Board of Trade,
(Marine Department),
24 February, 1911.

6203

No. 158.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 153.)	(New Zealand. No. 81.)
(Australia. No. 108.)	(Newfoundland. No. 44.)
(South Africa. No. 113.)	

My Lord,

Sir,

Downing Street, 6 March, 1911.

WITH reference to my despatch, No. [38] [25] [30] [17] [8], of the 20th of January,* respecting the Agenda for the Imperial Conference, I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, copies of a memorandum† prepared by the Board of Trade regarding the resolution proposed by the Government of the Union of South Africa respecting shipping conferences and combines.

2. This memorandum will form a convenient basis for discussion at the Conference.

I have, &c.,
L. HARCOURT.

8209

No. 159.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 14 March, 1911.)

[Answered by No. 160.]

Sir,

General Post Office, London, 13th March, 1911.

THE Postmaster-General has had before him your letter of the 8th instant, No. 6203/1911,‡ enclosing copies of correspondence with the Board of Trade in which

* No. 6 in [Cd. 5513].

† Enclosure in No. 157.

‡ Not printed.

it is proposed that a conference of representatives from the Colonial Office, from the Board of Trade, and from this Office, should consider the question of Shipping Conferences and Combines which forms the subject of a resolution to be moved by the Government of the Union of South Africa at the Imperial Conference. In reply, I am directed to acquaint you, for the information of the Secretary of State, that Mr. Samuel concurs in the proposal, and wishes Mr. Farnall and myself to represent the Post Office.

The Postmaster-General will be glad to know as soon as possible the date of the proposed conference; and, as the question appears to be of some magnitude, he will be obliged if the Secretary of State will indicate the scope of the intended enquiry.

I am, &c.,
MATTHEW NATHAN.

8209

No. 160.

COLONIAL OFFICE to GENERAL POST OFFICE.

Sir,

Downing Street, 15 March, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th March,* on the subject of Shipping Conferences and Combines.

2. In reply, I am to request that you will inform the Postmaster-General that the scope of the enquiry is indicated by the resolution proposed for discussion at the Imperial Conference by the Union of South Africa which is printed in the Parliamentary Paper [Cd. 5513], a copy of which is enclosed for convenience of reference. A discussion between the Departments is desired for the purpose of advising as to the attitude which should be adopted by His Majesty's Government with regard to that resolution.

3. Mr. Harcourt notes that the Post Office will be represented at the Conference by Sir M. Nathan and Mr. Farnall. He will communicate to you the date of the Conference with the least possible delay.

I am, &c.,
C. P. LUCAS.

8209

No. 161.

COLONIAL OFFICE to BOARD OF TRADE.

Sir,

Downing Street, 15 March, 1911.

WITH reference to the letter from this Office of the 8th March,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, copy of correspondence‡ with the General Post Office on the subject of Shipping Conferences and Combines.

2. Mr. Harcourt will be glad to learn at what date it is proposed that the Conference between representatives of this Office, the Board of Trade, and the General Post Office should take place.

3. I am to add that this Office will be represented at the discussion by Mr. H. W. Just, C.B., C.M.G., and Mr. W. A. Robinson.

I am, &c.,
C. P. LUCAS.

* No. 159.

† 6203: not printed.

‡ Nos. 159 and 160.

6.

(Resolution XI.) (a) Withdrawal of the Dominions from certain Treaties.

4876

No. 162.

AUSTRALIA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 19 February, 1910.)

[Answered by No. 165.]

The Under Secretary of State for Foreign Affairs presents his compliments to the Under Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of the following paper for such observations as it may be desired to offer:—His Majesty's Ambassador at Rome, February 9: (Withdrawal of Australia from Anglo-Italian Treaty of Commerce.)

A similar letter has been sent to the Board of Trade.

Reference to previous letter:—Colonial Office (37021), November 24, 1909.*

Foreign Office,

February 18, 1910.

Enclosure in No. 162.

(No. 10. Commercial.)

SIR,

Rome, February 9th, 1910.

WITH reference to your despatch, No. 47, Commercial, of November 30th, relative to the desire of the Commonwealth of Australia to withdraw from the Treaty of Commerce and Navigation of June 15th, 1883, between Great Britain and Italy, I have the honour to transmit herewith copy and translation of the reply which I have received from the Italian Government to the communication made to them by Mr. Wyndham in accordance with your instructions.

The Italian Government, after due investigation of the question, are unable to recognise the right of the Commonwealth to withdraw from the treaty, and cannot see their way to acceding to the alternative proposal that the wish of the Commonwealth should be met by the negotiation of a declaration on the lines of that concluded with Paraguay.

I have, &c.,
RENNELL RODD.

The Right Honourable

Sir Edward Grey, Baronet, M.P.,

&c., &c., &c.

(Translation.)

February 4th, 1910.

Note Verbale.

In a note, dated December 17th last, His Britannic Majesty's Embassy informed the Royal Ministry for Foreign Affairs that the Government of the Commonwealth of Australia, to which now belong the Colonies of New South Wales, Victoria, Queensland, Tasmania, and Western Australia, would wish to withdraw from the Treaty of Commerce and Navigation of June 15th, 1883, concluded between Italy and Great Britain to which those Colonies had subsequently adhered.

* No. 49 in Dominions No. 11.

His Britannic Majesty's Government while expressing doubts as to the power of the Commonwealth to withdraw from the Treaty added that should the Royal Government recognise unconditionally such a power to withdraw they would simply give notice of such withdrawal; but that if the Italian Government should decide to the contrary His Majesty's Government would propose to negotiate with them, as corresponding with such power of withdrawal, a declaration based on that concluded with Paraguay, a copy of which was annexed to the Note Verbale above referred to.

The Royal Ministry for Foreign Affairs has the honour to inform His Britannic Majesty's Embassy in reply that the proposal has been submitted to the consideration of the Departments concerned, who agree in the view that the Commonwealth of Australia does not possess the power to withdraw from the Treaty, and that it would not be advisable for the Royal Government to accept, in substitution for the provisions of the Treaty, a declaration on the lines of that concluded by Great Britain with Paraguay.

By their declaration of adhesion of March 10th, 1884, the five above-mentioned Colonies placed themselves in the same position as the other British Colonies comprised in the first part of Article 19 of the Treaty, i.e., in the same position as the United Kingdom which acted in their name. In no part of the Treaty is there mention of the possibility of the withdrawal of a single Colony whether originally included or whether adhering later. The Royal Government cannot, therefore, see that such withdrawal is possible, and, in their opinion, it must remain dependent on the denouncing of the Treaty by Great Britain, which is undesirable in the interests of both countries.

5953

No. 163.

CAPE OF GOOD HOPE.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 26 February, 1910.)

(No. 18.)

MY LORD,

Government House, Cape Town, 8th February, 1910.

I HAVE the honour to transmit to your Lordship, with reference to your despatch No. 335 of 31st December, 1909,* the following copy of a minute from Ministers on the subject of the possibility of obtaining for the self-governing Dominions the right of withdrawal from certain treaties with foreign Powers.

I have, &c.,
H. SCOBELL,
Major-General.

Enclosure in No. 163.

MINISTERS to ADMINISTRATOR.

(Minute No. 1/36.)

Prime Minister's Office, Cape Town, 7th February, 1910.

Ministers have the honour to acknowledge the receipt of the minute of His Excellency the Officer Administering the Government, No. 41 of the 25th January, 1910, transmitting copy of a despatch, No. 335 of the 31st December, 1909, from the Right Honourable the Secretary of State for the Colonies on the subject of the possibility of obtaining for the self-governing Dominions the right of withdrawal from certain treaties with foreign Powers.

In reply, Ministers have the honour to thank the Right Honourable the Secretary of State for the Colonies for the despatch in question, and to state that the information contained therein has been carefully noted.

JOHN X. MERRIMAN.

* No. 53 in Dominions No. 11.

6501

No. 164.

AUSTRALIA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 5 March, 1910.)

The Under Secretary of State for Foreign Affairs presents his compliments to the Under Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of the under-mentioned paper, for any observations that it may be desired to offer:—His Majesty's Ambassador at Vienna, February 25: (Withdrawal of Australia from Treaty of Navigation between Great Britain and Austria-Hungary.)

A similar letter has been sent to the Board of Trade.

Reference to previous letter: Colonial Office, November 24, 1909 (37021).*

Foreign Office,
March 4, 1910.

Enclosure in No. 164.

(No. 10. Commercial.)

Sir, Vienna, February 23rd, 1910.
In accordance with the instructions contained in your despatch, No. 41, Commercial, of the 30th November last, I addressed a note to the Austro-Hungarian Government informing them that the Australian Commonwealth desired to withdraw from the Treaty of Navigation of April 30th, 1868, between Great Britain and Austria-Hungary, and I enquired as to their views on the question whether the Commonwealth is entitled to withdraw under Article II. of that Treaty.

I have now received a request from the Ministry of Foreign Affairs, that, in order to be able to determine their point of view in this matter, they may be informed on what grounds the Government of the Australian Commonwealth wishes to withdraw, whether the Commonwealth intends to do likewise in respect of other States, and whether the object is to prepare the way for a preference treatment of British vessels as against those of other nations.

They also consider it important to know whether the Commonwealth would be ready to conclude a new Navigation Treaty with Austria-Hungary, in the event of her right being conceded to withdraw from the 1868 Treaty.

I have, &c.,
FAIRFAX L. CARTWRIGHT.

Sir E. Grey, Bart., M.P.,
&c., &c., &c.

4876

No. 165.

AUSTRALIA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 168.]

Sir, Downing Street, 9 March, 1910.
In reply to your letter of the 18th of February,† I am directed by the Earl of Crewe to request you to inform Secretary Sir Edward Grey that while his Lordship regrets that the Italian Government have not seen their way to comply with the wish of the Government of the Commonwealth of Australia to withdraw from the Treaty of Commerce and Navigation of June 15th, 1883, between Great Britain and Italy, he considers that no useful purpose would be served by further discussion of the question whether the Commonwealth Government are entitled to withdraw.

2. Lord Crewe accordingly proposes, unless Sir Edward Grey sees any objection, to address to the Commonwealth Government the despatch‡ of which a draft is enclosed.

* No. 49 in Dominions No. 11.

† No. 162.

‡ See No. 169.

3. It is, of course, possible that that Government may desire His Majesty's Government to denounce the Treaty *in toto* as the only means of securing for Australia relief from its obligations, but Lord Crewe does not think it necessary to consider this question unless it is raised by the Commonwealth.

4. A similar letter has been addressed to the Board of Trade.

I am, &c.,
FRANCIS J. S. HOPWOOD.

4876

No. 166.

AUSTRALIA.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered (concurring) by 8293; not printed.]

Sir,

Downing Street, 9 March, 1910.

With reference to your letter to the Foreign Office of the 2nd of November last,* and to Sir Rennell Rodd's despatch, No. 10, of the 9th of February,† of which a copy has been forwarded to you from the Foreign Office, on the subject of the withdrawal of the Government of the Commonwealth of Australia from certain commercial treaties, I am directed by the Earl of Crewe to transmit to you a copy of a letter‡ which has been addressed to the Foreign Office on the subject of the refusal of the Government of Italy both to recognise the right of the Government of the Commonwealth to withdraw from the Treaty of 1883, and to negotiate a declaration on the lines of the declaration concluded recently with Paraguay, together with the draft of a despatch§ to the Governor-General of the Commonwealth of Australia on the subject.

2. Lord Crewe would be glad to learn whether the Board of Trade see any objection to the terms of the draft despatch.

I am, &c.,
FRANCIS J. S. HOPWOOD.

7581

No. 167.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14 March, 1910.)

(No. 48.)

Governor-General's Office, Melbourne.

My Lord,

4th February, 1910.

REFERRING to your Lordship's despatch, No. 293, dated 6th August, 1909,|| and to previous correspondence, on the subject of the withdrawal of the Commonwealth of Australia from certain treaties entered into by the several Australian Colonies prior to Federation, I have the honour to inform you that I am advised by His Majesty's Prime Minister of the Commonwealth that all the State Governments have intimated that they have no objection to the action of the Commonwealth Government in taking the necessary steps to terminate their adherence to treaties entered into by them prior to Federation.

I have, &c.,
DUDLEY,
Governor-General.

* Enclosure 2 in No. 47 in Dominions No. 11.

† No. 165.

‡ See No. 169.

§ Enclosure in No. 162.

|| No. 33 in Dominions No. 11.

8721

No. 168.

AUSTRALIA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24 March, 1910.)

[Copy (without enclosure) to Board of Trade, 9 April, 1910. L.F.]

[Answered by No. 170.]

SIR, Foreign Office, March 23, 1910.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 9th instant,* forwarding the draft of a despatch which it is proposed to address to the Governor-General of the Commonwealth of Australia relative to the refusal of the Italian Government to comply with the desire of the Commonwealth Government to withdraw from the Anglo-Italian Treaty of Commerce of June 15th, 1883.

I am also to transmit to you a copy of a letter which has been received from the Board of Trade on this subject.

Sir E. Grey concurs in the terms of the draft despatch, but I am, at the same time, to suggest, for the consideration of the Earl of Crewe, that this communication might usefully be supplemented by a private one from his Lordship to the Governor-General explaining that the only means by which the Commonwealth could be released from the obligations imposed by the Anglo-Italian Treaty would be its total denunciation by His Majesty's Government, a measure to which the Board of Trade are opposed, in view of the important interests involved; but that His Majesty's Government would wish to discuss this question with the representatives of the self-governing Dominions at the next Imperial Conference.

I am, &c.,
LOUIS MALLET.

Enclosure in No. 168.

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 9th March, 1910.

SIR, I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 18th February transmitting copy of a despatch from His Majesty's Embassy at Rome on the subject of the desire of the Commonwealth of Australia to withdraw from the Anglo-Italian Treaty of Commerce and Navigation of June 15th, 1883.

In reply to your request for the observations of this Department with respect to the reply received from the Italian Government to the application made to them, I am to say that while the Board regret the decision at which that Government has arrived, they do not think that the circumstances are such as to warrant the denunciation of the Treaty by His Majesty's Government. In their view, there must be some proportion between the advantages to be gained by the Colonies in this connection and the sacrifices which the United Kingdom should be called upon to make in order to secure them. An effort has been made to induce the Italian Government to consent to the withdrawal of Australia from the Treaty, and, the Italian Government having refused their consent, the Board are of opinion that, at any rate for the present, it is not possible to carry the matter further.

I have, &c.,
GEO. J. STANLEY.

The Under Secretary of State,
Foreign Office.

* No. 165.

4876

No. 169.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Board of Trade, 9 April, 1910. L.F.]

(No. 123.)

MY LORD, Downing Street, 1 April, 1910.

WITH reference to my despatch, No. 430, of the 3rd of December last,* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch† from His Majesty's representative at Rome, on the subject of the proposed withdrawal of the Commonwealth Government from the Treaty of Commerce and Navigation with Italy of the 15th of June, 1883.

2. His Majesty's Government regret that the Italian Government have not seen their way either to accept the view that the Commonwealth of Australia is entitled to withdraw from the Treaty, or, in the alternative, to negotiate a declaration on the lines of that recently concluded with Paraguay; but in view of the wording of the Treaty they fear that no useful purpose would be served by a discussion of its provisions.

3. The wishes of your Government will, however, be carefully borne in mind.

I have, &c.,
CREWE.

8721

No. 170.

AUSTRALIA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 9 April, 1910. L.F.]

SIR, Downing Street, 7 April, 1910.

I AM directed by the Earl of Crewe to acknowledge the receipt of your letter of the 23rd of March,‡ on the subject of the desire of the Commonwealth Government to withdraw from the Anglo-Italian Treaty of June 15, 1883.

2. In reply, I am to transmit to you, for the information of Secretary Sir E. Grey, copy of the despatch§ addressed to the Governor-General of the Commonwealth on this subject.

3. Lord Crewe has carefully considered the question whether any communication should be made to the Governor-General in the sense indicated in the third paragraph of your letter. He considers, however, that it would not be advisable to suggest the possibility of the further consideration of the question. He understands that the Board of Trade attach importance to the maintenance of the Treaty, and he feels that it should be left to the Commonwealth Government to decide whether it will propose the question for consideration at the next Imperial Conference.

I am, &c.,
C. P. LUCAS.

11067

No. 171.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office and Board of Trade, 25 April, 1910. L.F.]

(No. 154.)

MY LORD, Downing Street, 22 April, 1910.

WITH reference to my despatch, No. 123, of the 1st of April,§ I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a despatch|| from His Majesty's Ambassador at Vienna on the

* No. 51 in Dominions No. 11.
‡ No. 169.

† Enclosure in No. 162.
| Enclosure in No. 164.

‡ No. 168.

subject of the proposed withdrawal of the Government of the Commonwealth from the Treaty of Navigation of April 30th, 1868, between Great Britain and Austria-Hungary.

2. I shall be glad to learn in due course what reply your Ministers would desire to be returned to the enquiries of the Austro-Hungarian Government.

I have, &c.,
CREWE.

24194

No. 172.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 6 August, 1910.)

[Answered by No. 173.]

SIR, Foreign Office, August 4th, 1910.
WITH reference to your letter of January 9th, 1909,* and to previous correspondence, respecting the proposed modification of the Anglo-Colombian Treaty of 1866, I am directed by Secretary Sir E. Grey to transmit herewith, in continuation of my letter of the 23rd of June,† copy of a letter from the Board of Trade, from which it will be seen that it is proposed that the negotiations should be resumed on the basis of the recognition by Colombia of the right of the self-governing Dominions to withdraw from the Treaty in return for freedom to accord special Customs advantages to adjoining States without being held by His Majesty's Government to have infringed the commercial articles of the Treaty.

Sir E. Grey would be glad to learn whether the Secretary of State for the Colonies concurs in the resumption of the negotiations with Colombia on these lines.

I am, &c.,
LOUIS MALLET.

Enclosure in No. 172.

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 21st July, 1910.

SIR, I AM directed by the Board of Trade to acknowledge the receipt of your letter of June 18th, transmitting copy of a despatch from His Majesty's Minister at Bogota respecting the duty-free admission recently accorded by Colombia to Venezuelan products imported via Cúcuta.

The Board concur in the view of Sir E. Grey that the preference thus accorded is of no practical importance to this country, and they would offer no objection to the withdrawal of the claim to most-favoured-nation treatment which has been advanced by His Majesty's Government on the condition suggested in your letter. The Board understands this suggestion to be that a Supplementary Convention should be concluded with Colombia whereby British Colonies should be enabled, on due notice, to withdraw either from the whole or from the commercial articles of the Anglo-Colombian Treaty of 1866, and that on the other hand Colombia should be given freedom to accord special Customs advantages to adjoining States without being held to have infringed the commercial articles of that Treaty. The Board would be glad to have an opportunity of seeing the precise wording of the articles which would be suggested for this purpose.

I am also to suggest, for Sir E. Grey's consideration, that in the event of it appearing probable that a satisfactory settlement of the matter on the above lines will be arrived at, the opportunity might be taken to secure an extension of the Treaty thus modified for a further period of years.

I have, &c.,
GEO. J. STANLEY.

The Under Secretary of State,
Foreign Office.

* No. 72 in Dominions No. 7.

† Not printed.

24194

No. 173.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 2 November, 1910.
WITH reference to the letter from this Office of the 30th of August,* I am directed by the Earl of Crewe to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of a despatch† from the Acting Governor of Trinidad on the subject of the proposed modification of the Anglo-Colombian Treaty of 1866.

2. It will be seen from this despatch that it is not anticipated by the Acting Governor that the modification of the Treaty so as to permit Colombia to accord special advantages to adjoining States without extending such concessions to British produce would have an injurious effect on the trade of that Colony, and there is, accordingly, no objection, as far as this Department is concerned, to this point being conceded to the Colombian Government.

3. But before concurring in the proposal to reopen the negotiations, Lord Crewe would be glad to learn what the precise proposal is with regard to the power of the self-governing Dominions to withdraw from the Treaty. In the enclosure to your letter of the 4th of August‡ it is stated that the Board of Trade understand that British Colonies should be enabled under a Supplementary Convention to withdraw either from the whole or from the commercial Articles of the Anglo-Colombian Treaty of 1866. It is not expressly stated in your letter whether the view of the Board of Trade is that adopted by Sir Edward Grey, but Lord Crewe assumes that this is the case.

4. If this is so, Lord Crewe understands that Sir Edward Grey still holds the view that it would not be possible to maintain the position which was taken up by the Law Officers of the Crown§ in connection with the Japanese Treaty in 1899, that a distinction between classes of British subjects "unknown to British law and almost impossible of definition" cannot be drawn, and that although a self-governing Dominion withdraws from a Treaty British subjects in that Dominion are nevertheless entitled to all the advantages given by the Treaty to British subjects, and the disabilities imposed by such withdrawal are only local disabilities, e.g., that goods exported from that Dominion to the country in question shall not be entitled to the tariff prescribed by the Treaty. Lord Crewe is not prepared to give a definite opinion as to whether the view of the Law Officers of 1899 can be maintained successfully at the present day if challenged by a foreign Power. But though in the case of Colombia the question is not of practical account, Sir E. Grey will probably agree that His Majesty's Government should come to some final decision before the negotiations now pending for a Treaty with Japan are renewed. It is clear that it would be most disadvantageous if it is necessary for the self-governing Dominions to accept the whole of the clauses of a treaty with Japan or in the alternative to lose all the privileges accorded to British subjects in Japan by treaty, and Lord Crewe would desire that the matter should receive further consideration before the negotiations with Colombia are proceeded with.

5. As Sir E. Grey is aware, the subject has formed discussion in an Inter-Departmental Committee consisting of representatives of the Foreign Office, Board of Trade, the Colonial Office, and the India Office, but that Committee has not been able to arrive at a unanimous conclusion, and under the circumstances Lord Crewe would suggest that the question should be referred to the Law Officers of the Crown forthwith with a request for a considered opinion.

6. If Sir E. Grey concurs, the reference to the Law Officers will, no doubt, be made by the Foreign Office, but Lord Crewe would be glad to see it in draft form.

I am, &c.,
C. P. LUCAS.

* 24193: not printed.

† 30445: not printed.

‡ No. 172.

§ See No. 206a, Volume V., Law Officers' Opinions.

No. 174.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 14 February, 1912. L.F.]

[See No. 175.]

SIR,

Downing Street, 10 February, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 18th January* on the subject of the proposed reference to the Law Officers on the question of the status of British Colonial subjects under Commercial Conventions.

2. Mr. Harcourt feels that this matter is one of great importance, and that it is desirable that the Law Officers should have before them a full statement of the views held in this department, and I am accordingly to enclose a memorandum which has been prepared in this department and to say that he will be glad if this memorandum can be submitted to the Law Officers with the reference.

3. Provided that this is done Mr. Harcourt is prepared to leave to Sir E. Grey the settlement of the exact alterations to be made in the reference to the Law Officers. He would, however, suggest that the purport of the discussion to which allusion is made in paragraph 4 of the draft would be more accurately described if for the words at the end of the first sentence the following words were substituted: "those clauses only of commercial treaties which were commercial in character as distinct from those which were political in character." It will also be observed from the memorandum that he would prefer to excise the last sentence of paragraph 6 and the last clause of paragraph 8. He is also of opinion that the reference to the right to vote at Colonial Parliamentary elections cannot be retained in paragraph 7. The right to vote presumably depends on insertion of a name in the voters' register, and the qualification for this may have been lost for a variety of reasons. Moreover, the right to vote is not enjoyed by certain minors (or by women in many of the self-governing Dominions) and affords no criterion for determining the effect of non-adherence in a case where some part of the Empire other than the self-governing Dominions is concerned, *e.g.*, India or Gibraltar.

I am, &c.,
C. P. LUCAS.

Enclosure in No. 174.

MEMORANDUM ON THE STATUS OF BRITISH COLONIAL SUBJECTS UNDER CERTAIN COMMERCIAL TREATIES.

The question of the position of British subjects connected with Colonies which do not adhere to treaties appears actually to have been raised on two occasions only—in connection with the Anglo-Japanese Treaty of 1890 and in connection with negotiations with Colombia in 1908.

The position has been governed, in the view of His Majesty's Government, by the opinions of the Law Officers given in connection with the Japanese Treaty and the Convention for the Protection of Industrial Property, dated the 6th January and the 21st September, 1899, copies of which are enclosed.

The Japanese Treaty was one of great importance from the point of view of Japan. Great Britain abandoned its rights of extra-territorial jurisdiction in Japan, and in return secured certain definite advantages. In accordance with the usual practice at the time, provision was made which exempted from the stipulations of the Treaty the self-governing Colonies of the Crown and India, power being given to apply the stipulations of the Treaty to those Colonies if notice should be given within two years from the date of exchange of ratification.

The Treaty with Japan was signed on the 16th July, 1894. The time within which Colonies might adhere to it expired on the 25th August, 1897, but the Treaty did not come into force until the 17th July, 1899.

* 1760: not printed. The correspondence between No. 173 and this letter is not printed as it dealt merely with the precise terms of the reference to the Law Officers (enclosure to No. 175).

The question of the effect of non-adherence to the Treaty was, it would seem, first raised in 1897. On the 18th June of that year, a letter* was addressed by the Colonial Office to the Foreign Office, stating that the question of the accession of the self-governing Colonies to the Treaty with Japan and that of coloured immigration generally were to be discussed with the Colonial Premiers then in this country, and enquiring "what will be the position in Japan of British subjects domiciled in Colonies refusing to adhere to the Treaty, and of the trade and commerce of such Colonies with Japan, when the Treaty of 1894 comes into operation." This letter was based on a minute by Mr. (now Sir) John Anderson, from which are quoted the following passages:—

"In view of this general aversion of the Colonies to join in the Treaty, it is necessary that we should know on what footing Colonial trade and commerce will stand with Japan.

"It will be difficult for us, for instance, to claim for British Colonial subjects the privileges conceded by Article 1 of the Treaty, and yet how can we distinguish between a British subject resident in Australia and one in England?

"The Colonies will, in fact, by the Treaty lose their right of access to the Treaty ports under the old arrangement, and also the protection of the Consular jurisdiction, and will in return get absolutely nothing; and it will be open to Japan not only to place Colonial trade under prohibitive tariffs, but to absolutely prohibit it, and to prevent Colonists from entering Japanese territory or Japanese waters at all. In fact, it is probable, that under the Japanese system of exclusion of foreigners, which is only modified, not superseded, by the treaties, as soon as the Treaty comes into force Colonials will be absolutely shut out from Japan.

"The mistake was made in making the accession of the Colonies necessary to the whole Treaty, instead of only to the tariff and immigration parts."

From this it is clear that, while the importance of the question was recognised at the Colonial Office, it was at the same time assumed that non-adherence involved complete disqualification under the Treaty, and that nothing could be done to preserve for the non-adhering Colonies the personal or general rights conferred by the Treaty on British subjects.

The Foreign Office replied on the 2nd July, 1897,† that it was impossible to say what the views of the Japanese Government might be as to the position in Japan of British subjects domiciled in Colonies which refused to adhere to the Treaty, and that Her Majesty's Minister at Tokio, who was then in England, had thought it inadvisable, by putting a question on the point, to suggest that the position of British Colonial subjects would be different from that of other British subjects. It was, however, pointed out that, under the Civil Code of Japan as then worded, foreigners would have all the civil rights enjoyed by Japanese subjects, except such as were expressly denied to them by legislation (*e.g.*, the right to hold land in fee simple, and that of owning and publishing newspapers). The letter concluded by stating that the position of the trade and commerce of the non-adhering Colonies would, no doubt, be affected, as they would be governed by the Japanese General Tariff instead of by the Conventional Tariff under the Treaty.

In this letter again there is an assumption that non-adherence involved complete disqualification or, at all events, a distinct indication of the view of the Foreign Office that to suggest the contrary to the Japanese Government might possibly result in differentiation against British subjects belonging to the non-adhering Colonies.

On the 8th July, 1897,‡ the Colonial Office informed the Foreign Office that, as the outcome of the discussion at the Colonial Conference, all the Colonies which had not already decided to adhere to the Treaty refused to adhere.

On such an occasion it might have been expected that the Colonial Office, as the guardian of Colonial interests, would suggest that something should be done to mitigate the efforts of non-adherence if it had been considered that any such claim could be made, but the only request made to the Foreign Office was that the Japanese Government should be informed of the desire of Newfoundland and Natal to adhere to the Treaty.

On the 16th September, 1897, the Foreign Office informed the firm of G. F. Redfern and Company:—

"The only self-governing Colonies which have adhered to the new Treaty are Natal and Queensland, and persons domiciled in the Dominion of Canada will not, therefore, be entitled to the benefits of that Treaty."

In November of the same year Her Majesty's Minister at Sophia raised the

* 6343 97: not printed. † 14433 97: not printed. ‡ No. 164 in Vol. V. of Law Officers' Opinions.

question of the régime applicable to the "subjects and produce" of the British Colonies which had refused to accept the Commercial Agreement between the United Kingdom and Bulgaria of the 12th (24th) July, 1897,* or other countries which declined to enter into treaty relations with Bulgaria," the point being whether Bulgaria was still bound by Article 8 of the Treaty of Berlin, which provided that the subjects and commerce of all the Powers should be treated in Bulgaria on a footing of strict equality, or whether the right which had been conceded to Bulgaria of negotiating independent treaties carried with it the right of applying differential treatment against those countries with which she had no treaty engagements.

With the concurrence of the Colonial Office, the Foreign Office consulted the Law Officers of the Crown, who reported on the 22nd February, 1898,† that in virtue of the Declaration annexed to the Agreement with Bulgaria whereby the stipulation of the treaties in force were maintained in so far as they had not been modified by the Agreement or by special Convention:

"Any Colony which may elect, under the fifth article of the Commercial Agreement, to refuse acceptance thereof, is remitted to the rights of British subjects under the eighth article of the Treaty of Berlin. Under that article the people of such Colonies would be entitled to equality of treatment with the subjects and commerce of any of the Powers which were parties to the Treaty of Berlin. We must, however, observe that it cannot be considered as beyond controversy whether the stipulation in the eighth article for equality of treatment would entitle these Colonies to the treatment of the most favoured nation, irrespective of their performing the conditions on which such treatment is extended to the subjects of the other Powers."

This report will be referred to later: in the meantime it may be pointed out that the consideration of the position of the "subjects and produce" of the Colonies which had refused to accept the Commercial Agreement with Bulgaria proceeded without reference to the discussion which had recently taken place with regard to the position of Colonies declining to adhere to the Treaty with Japan.

Nor does it appear that the report of the Law Officers relative to the Bulgarian Commercial Agreement was remembered or, at any rate, considered to be relevant when the question of the position in Japan of British subjects belonging to Colonies which had not adhered to the Treaty with that country was revived in the following April by Messrs. Freshfield and Williams, the well-known London solicitors.

In a letter to the Foreign Office, dated the 27th April, 1898, Messrs. Freshfield and Williams pointed out that India had not adhered to the Treaty with Japan, and that their client, Mr. Tata, a Parsee merchant resident in Bombay (in a later letter described as "the largest merchant carrying on business between India and Japan"), wished to know accordingly what his position would be in Japan.

Messrs. Freshfield and Williams observed:

"It seems to us that most probably the fact that he is the subject of the Queen would entitle him to all those parts of the Treaty that are personal."

This is the germ from which sprang first the Memorandum of Mr. Justice Wilkinson, and then the Law Officers Report of 23rd January, 1899.†

The Foreign Office replied on the 20th June, 1898 (with the approval of the India Office) in the terms employed in answering the Colonial Office on the 2nd July, 1897,‡ with the omission of the passage relating to the impossibility of saying what the views of the Japanese Government might be, and to what Sir E. Satow had said on the subject when he was at home.

Messrs. Freshfield and Williams wrote again to the Foreign Office on the 4th July, 1898, remarking that they had not received a specific answer to their point.

"Your letter," they said, "implied that Mr. Tata has the same civil rights as any other foreigner under the Japanese Civil Code, but we would venture to submit to you that Mr. Tata as a subject of Her Majesty the Queen and Empress of India has whatever additional rights other subjects of Her Majesty have in Japan. If, therefore, as we suppose, the subjects of Her Majesty have the right to establish themselves and carry on business anywhere in the country, it would seem to follow that Mr. Tata, who is a subject of the Empress of India, has the same rights though he may not have any special advantages if he happened to trade with India."

The India Office, however, in a despatch to the Government of India of the 14th July, 1898, described the effects of the Foreign Office letter as follows:—

"As regards Japan, for instance, a case has recently been brought to my notice by the Foreign Office in which it has been necessary to inform a Parsee merchant of Bombay, who is desirous of travelling and trading in Japan, that the privileges secured

to British subjects by the Treaty of 1894 will not be extended to him, inasmuch as the Government of India have not deemed it expedient that the new Treaty with Japan should be applicable to that country."

Two days before this despatch was sent to the Indian Government, Lord Salisbury had asked for Sir E. Satow's observations "on the enquiry made by Messrs. Freshfield and Williams in their letter of the 4th instant, as to whether Mr. Tata, a British Indian subject, is or is not entitled to all the advantages which an Englishman would have as regards residing and trading in Japan." Sir E. Satow was sent at the same time the correspondence with Messrs. Freshfield and Williams and the correspondence with the Colonial Office of the previous year (from both of which he would gather that the view of Her Majesty's Government was that the enquiry of Messrs. Freshfield and Williams should be answered in the negative), together with a memorandum dated the 1st January, 1891, in which Sir C. Kennedy had pointed out that up to that date there had been no instance of a foreign Power differentiating against a non-adhering Colony.

In view of the reference of the question to Tokyo, the reply of the Foreign Office to Messrs. Freshfield and Williams's second letter was confined, after consultation with the India Office, to another matter which was raised in it, viz., the reason why the Indian Government had decided not to adhere to the Treaty.

Sir E. Satow's views were communicated to Lord Salisbury in a despatch of the 6th September, 1898,* and with them the views of Mr. Wilkinson, the Judge of Her Majesty's Court for Japan.

Sir E. Satow's despatch was sent to the Colonial Office† and to the India Office with a statement that Lord Salisbury proposed to consult the Law Officers of the Crown, but before doing so wished to know whether the Secretary of State for the Colonies or the Secretary of State for India had any observations to offer on Sir E. Satow's despatch.

The view entertained at the Colonial Office was that Mr. Justice Wilkinson's construction of the "Colonial" Article of the Treaty with Japan was untenable, and no attempt was made to take advantage of it to safeguard the position of Colonial subjects in Japan; and the Foreign Office was merely informed‡ that Mr. Chamberlain concurred in the proposal to consult the Law Officers, but would be glad to see any instructions which might be issued before they were sent to Sir E. Satow, and that "at present Mr. Chamberlain has no observations to make on Sir E. Satow's despatch."

This letter was not laid before the Law Officers, but the reply of the India Office was. The following is a list of all the documents laid before the Law Officers, with a brief explanation of their purport. A summary of the India Office letter will be given in its proper place.

The documents laid before the Law Officers were:—

(1) The correspondence between the Foreign Office and the Colonial Office of June-July, 1897; and

(2) The correspondence with Messrs. Freshfield and Williams.

The upshot of these two sets of documents (viz., that in the view of the Foreign Office non-adherence involved complete disqualification) has already been explained.

(3) The India Office letter of the 29th November, 1898, replying to the request of the Foreign Office for observations on Sir E. Satow's despatch.

This letter pointed out that the Government of India was now desirous of adhering to the Treaty with certain reservations; that if this could be arranged it would not be necessary to raise the questions of the status of British Indian subjects; that it was desirable to ascertain without much delay whether India would be allowed to adhere, but that if it was considered preferable to wait for the opinion of the Law Officers before addressing the Japanese Government, the Secretary of State for India would agree to that course. The letter concluded:—

"I am only to make this remark at present on the despatch enclosed with your letter, that there is an important difference between the position of India and that of the Colonies which declined to adhere to the Treaty in order to reserve to themselves complete freedom to impose legislative restrictions on the immigration of Japanese subjects."

(4) Sir C. Kennedy's memorandum of the 1st January, 1891.‡

In this document it was pointed out that there had up to the date of writing

* No. 164 in Vol. V. of Law Officers' Opinions.

† No. 206A in Vol. V. of Law Officers' Opinions.

‡ 14433/97: not printed.

* In 24646/98: not printed.

† 24646/98: not printed.

‡ In 416/91: not printed.

been no attempt by a foreign Power to differentiate against a Colony on the ground that the Colony had refused to adhere to a treaty with it.

(5) The correspondence between the Foreign Office and Sir E. Satow.

The despatch to Sir E. Satow was, as already explained, a mere request for his observations on the enquiry of Messrs. Freshfield and Williams.

Sir E. Satow, in his despatch, stated that, *prima facie*, he was inclined to the opinion already adopted by the Foreign Office in the letter to Messrs. Redfern and Company of the 16th September, 1897, viz., that non-adherence involved complete disqualification; but he called attention to the statement in Sir C. Kennedy's memorandum of the 1st January, 1891, which has just been summarised, and added that he had no reason to think that Japan would treat the people of India or the Colonies differently from those of the United Kingdom.

"The Press," he observes, "has on more than one occasion in discussing the non-adhesion of India and the Colonies, pointed out the difficulty of exercising discrimination between them. At any rate, so long as in British India no legislation is initiated against Japanese, I am disposed to believe that British Indian subjects of Her Majesty will be subjected to no disabilities as compared with those domiciled in the United Kingdom."

He thought that the Japanese Government might possibly accept this view, but he deprecated approaching them on the subject, "as it would almost certainly suggest to them the possibility of retaliation against the people of British Columbia and the Australian Colonies. And even if they did not think it worth while to exercise discrimination in the latter case, they might be unwilling to bind themselves by any declaration on the subject."

He pointed out, however, that Mr. Wilkinson, the Judge of Her Majesty's Court for Japan, had taken another view of the question, and he forwarded a memorandum by that gentleman which also was submitted to the Law Officers. This memorandum did not touch on questions of policy, but was confined to considerations of constitutional and international law.

(6) A memorandum by Mr. Farnall, of the Foreign Office, in which Mr. Justice Wilkinson's view was very fully and vigorously contested. He urged that reciprocity was of the very essence of the Treaty, and laid stress on the inequality which would result if Mr. Justice Wilkinson's view were accepted. On the question who, on the contrary view, were the persons excluded from claiming the benefit of the Treaty, he stated that the Legal Adviser to the Foreign Office had objected to the test of "domicil," and had suggested "residence" instead. He then went on to set out the objections to applying that test, and suggested a new one of his own. "It appears to me that the proper course for Japan to follow, and for Great Britain to allow, will be to exclude from the operation of the Treaty all those persons who would be excluded if the non-acceding Colonies were not in Her Majesty's Dominions at all."

The actual reference to the Law Officers called attention to the objections to the tests of "domicil" and "residence," and alluded to the alternative test suggested by Mr. Farnall. It then proceeded to give a summary of Sir E. Satow's observations on the subject, and, after stating the view of Mr. Justice Wilkinson, to point out that if that view were correct "the provisions of the Treaty would not be entirely reciprocal, a point to which the Japanese Government have throughout the negotiation of the new treaties with the Powers attached the utmost importance."

It will thus be seen that when Messrs. Freshfield and Williams first propounded the view that the disqualifying effect of non-adherence was only partial, the Foreign and India Offices showed no inclination to accept it; and that when it was developed by Mr. Justice Wilkinson, it was not endorsed by the Colonial Office, and that it was actually laid before the Law Officers by the Foreign Office, with a statement of the objections entertained to it, and with a letter from the India Office which amounted to its rejection.

It will also be seen that the Law Officers were clearly given to understand:—

- (a) As regards India, that the question was not one of practical importance, because India contemplated adhering to the Treaty, and that even if this could not be arranged there was little likelihood of Japan differentiating against Indian subjects; and
- (b) As regards the non-adhering Colonies, that it was doubtful whether Japan would differentiate against even Colonial subjects, but that any attempt to raise the question with Japan might possibly result in such differentiation.

* In Law Officers' Opinion No. 206A, Vol. V.

The correspondence has been set forth at length because it negatives conclusively what would otherwise be naturally suggested—that in reporting on the right of British subjects connected with non-adhering Colonies, the Law Officers of the Crown were influenced mainly by the consideration of the fact that under the Treaty the Colonies ceased to be entitled to the benefits of British extra territorial jurisdiction, and were, therefore, entitled to receive specially favourable treatment. The considerations which seem to have influenced the Law Officers appear to have been general considerations, and not those based on considerations either of policy or of the special circumstances of the case.

It is true that the Law Officers had only eleven months before given a different opinion in the case of the agreement with Bulgaria. But not only were the issues not brought clearly before the Law Officers in that case, but the question was obscured by the view that Bulgaria was bound in any case by the provisions of the Treaty of Berlin, which rendered it unnecessary to uphold the view asserted in the case of Japan. There seems, therefore, no reason to suppose that the decision of the Law Officers would have been altered had their attention been drawn to their opinion in the case of the Bulgarian Treaty.

There were undoubtedly some special features in the Treaty with Japan.

The Protocols of the 16th July, 1894, and the 20th September, 1897, distinctly implied that all British subjects, the "Colonial" Article notwithstanding, would be on the same footing in Japan when the Treaty came into force, but the attention of the Law Officers was not drawn to these documents, nor to two departures from the principle of reciprocity, namely, the exchange of notes of the 16th July, 1894, by which it was agreed that the Colonies might adhere to the Treaty without being bound by the provisions of Article 2 relative to compulsory military service, and to the limitation of the application of the Treaty to the Colonies expressed in the words "so far as the laws permit."

The object of the insertion of these words in the "Colonial" Articles of Commercial Treaties was indeed explained in Sir C. Kennedy's memorandum of the 1st January, 1891, but Mr. Farnall, in his memorandum, virtually dismissed them as immaterial.

There is only one allusion in the Law Officers' Report to the special circumstances of the Treaty with Japan:—

"It must be recollected that British subjects inhabiting non-adhering Colonies and Dependencies are affected by this Treaty, inasmuch as when it comes into force it puts an end to the earlier treaties under which they enjoyed a right to ex-territoriality."

The explanation of this observation is to be found in a remark of Mr. Justice Wilkinson:—

"If, moreover, it had been intended that British subjects domiciled in India and the Colonies referred to should be excepted from the stipulations of the Treaty, care would have been taken that such exception did not apply to the stipulations of Article 20."

(Abrogation of old treaties and abolition of British Consular jurisdiction in Japan.)

Mr. Farnall had contended:—

"As long as one of the originally excluded portions of Her Majesty's dominions remains excluded, that portion must, I think, be considered, so far as the Treaty is concerned, as not being part of those dominions, and those persons who are British subjects in consequence (*sic*) of their connection with the portion in question as not being British subjects."

The Law Officers accepted the first part of this contention, but not the second. For the purposes of the Treaty, they seem to have argued, a non-adhering Colony was not part of the British dominions—was, in fact, a foreign country—but British subjects born, resident, or domiciled in, or otherwise connected with, a foreign country, were entitled to be treated in Japan like other British subjects: so with British subjects belonging to a non-adhering Colony. But if not only the soil of a non-adhering Colony, but also its people, was to be treated as foreign for the purposes of the new Treaty, then the non-adhering Colonies were, in the phrase used by the Law Officers in connection with the Bulgarian Commercial Agreement, "remitted to their rights" under the old treaties.

It will be seen that the Law Officers gave only a secondary place in their reasoning to the argument that the expression "British subjects" must mean, under Article 20 of the Treaty with Japan, what it meant in the other articles; and that

their conclusion was arrived at on general grounds applicable to all treaties containing a "Colonial" article, namely, that there was no practicable test by which British subjects connected with the non-adhering Colonies could be discriminated from those connected with parts of the Empire to which the Treaty applied, and that British subjects born, &c., in a non-adhering Colony were on the same footing as British subjects born, &c., in a foreign country.

It is, however, hardly worth while to elaborate further the view that the opinion of the Law Officers was altogether independent of the special circumstances of the Treaty with Japan. It is sufficient to point out that in the following October they applied it to the International Convention for the Protection of Industrial Property.

It is indeed perfectly certain that any attempt to frame a definition of a Colonial British subject would be unsatisfactory and practically impossible. The Law Officers rejected the view that a division might be based on domicile or on residence, and also the suggestion of Mr. Farnall, to which indeed it seems difficult to attach any definite meaning. No other criterion has suggested itself as possible, and no clear doctrine has been laid down in the Dominions themselves as to what constitutes a British subject in the Dominions as contrasted with a British subject generally.

Moreover, it seems to be substantially fair that if a British subject in a foreign country is entitled, as he unquestionably is entitled, to the benefits of the Treaty, he should be entitled when resident in a non-adhering Dominion. The non-adhering Dominion is relatively to the foreign country in precisely the same position as a foreign country; the fact that it has not chosen to adhere deprives it of certain advantages, namely, such matters as tariff concessions, but it is no ground why British subjects connected with it should be in an inferior position to British subjects connected with a foreign country.

It may indeed be argued that the arrangement is inequitable, inasmuch as under the interpretation laid down in 1899, Japanese subjects as such would have no treaty rights in a non-adhering Colony, while British subjects connected with that Colony would have treaty rights in Japan. The argument is of importance because it has actually been used. In 1908, in reply to a proposal that the Colonies should be allowed to withdraw from the Treaty with Colombia, the Government of that country objected that the proposal would convert the Treaty into a one-sided agreement as regards the Colonies withdrawing from it, because "whereas Colombians in such Colonies would be unable on account of the denunciation to claim the rights which the Treaty guarantees, natives of those Colonies, as being British subjects, would put forward and make good such a claim with the support of His Majesty's Government, since the Treaty would continue in force as regards the latter." At the same time it must be noted that the Colombian Government, evidently without prompting from His Majesty's Government, takes the same view of the effect of the Treaty as is taken with regard to the Japanese Treaty of 1899 by the Law Officers of the Crown, and this is a very strong argument in favour of the correctness of that view. But as regards the argument of the unfairness of the arrangement, it may properly be said that it is a matter for foreign countries in negotiating new treaties with Great Britain to consider whether or not they will insist on refusing to accept the position. As regards existing treaties, there is no ground on which His Majesty's Government should decline to enforce a doctrine which they are advised is legally correct, and which rests on the impossibility and the unfairness of discrimination between British subjects because they are in some manner connected with a non-adhering Dominion.

It must be remembered also that if other countries so wish they can apply similar rules to their Colonial Possessions as does Great Britain.

Moreover, it must be remembered that there is a derogation from the principle of reciprocity in the "Colonial" Article itself. Japan contracts for the whole Empire, but His Majesty's Government merely for territorially a small part, but obtains an option for the other parts to adhere to which Japan claims no parallel. It is a matter for each Power to consider for itself what terms are equitable; it is not for His Majesty's Government to diminish their treaty rights by seeking to interpret them so as to make them conform to the theory of reciprocity.

Stress should also be laid on the fact that though the opinion of the Law Officers in 1899 was communicated to the Japanese Government, that Government did not effectively protest. (See correspondence enclosed.) It is certainly very difficult for that Government in view of their acquiescence—on whatever grounds—in the decision of the Law Officers in 1899 to decline to accept a similar interpretation of

a new treaty unless indeed before the treaty is signed they raise the question and define the position adopted by the Japanese Government with regard to it.

It must further be remembered that the "Colonial" Article in the Treaty with Japan differs from the modern form, which provides for the adherence not only of Colonies, but also of Protectorates. Now, a Protectorate is a foreign country, and British subjects living or domiciled in a foreign country are entitled to the benefits which a treaty confers on British subjects. The adherence of a Protectorate is, therefore, not necessary to extend the personal privileges of a treaty to British subjects living or domiciled in it. The inclusion of Protectorates in the modern "Colonial" Article consequently makes it clear that the effect of the article is purely geographical, and no country which accepts a treaty containing such an article can logically argue otherwise.

Colonial Office,

January, 1911.

7240

No. 175.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 6 March, 1911.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of the following paper:—To Law Officers, March 3: (Status of British Colonial subjects under Commercial Treaties).

Reference to previous letter: From Colonial Office, February 25, 1911.*

(Similar letter sent to Board of Trade.)

Foreign Office,

March 4, 1911.

Enclosure in No. 175.

[The Report of the Law Officers is printed as No. 137 in Volume VII. of Law Officers' Opinions.]

GENTLEMEN,

Foreign Office, March 3rd, 1911.

I HAVE the honour, by direction of Secretary Sir E. Grey, to transmit to you herewith the papers, as noted in the accompanying list, respecting the position of British subjects who are inhabitants of a self-governing Dominion, in the event of that Dominion withdrawing from, or declining to adhere to, a commercial treaty concluded by His Majesty's Government with a foreign Power.

2. In negotiating commercial conventions, it is now the custom of His Majesty's Government to provide in the convention not only for the separate adherence but also for the separate withdrawal of the different self-governing Dominions on due notice being given. This is shown in the enclosed copy of the draft Model Treaty (Paper A.), on which all commercial conventions at present concluded between the United Kingdom and foreign Powers are, as far as possible, based. It will be seen that the privileges secured, such as the right to acquire property or exemption from special taxation or from military service, are secured to "the subjects of each of the contracting parties," but that by Article 20 "the stipulations of the present treaty shall not be applicable to any of His Majesty's Colonies, &c., unless notice of adhesion shall have been given," most-favoured-nation treatment of Colonial produce being, however, secured so long as it is reciprocal. As, however, the Dominions are still bound by a number of older conventions in which no provision is made for their separate withdrawal, His Majesty's Government have recently concluded with various countries special agreements for the purpose of obtaining for the Dominions so bound this right of separate withdrawal.

* 6043: not printed.

3. On the Colombian Government, however, being approached with a view to enabling the Dominions to withdraw, if they so desired, from the Commercial Convention of 1866, between Great Britain and Colombia (Paper B.) which also secured various rights to the subjects and citizens of the contracting parties, but contains no provision for the withdrawal of Colonies, the Colombian Government raised objections, on the ground that in the event of a self-governing Dominion withdrawing from the treaty, the inhabitants thereof would still continue, in their capacity as British subjects, to enjoy the personal rights granted by the treaty to British subjects generally, whereas Colombian citizens would enjoy no corresponding privileges in the territory of the non-adhering Dominion. Copy of the note from the Colombian Minister for Foreign Affairs setting forth these considerations is annexed hereto (Paper C.).

4. The immediate objection of the Colombian Government might possibly have been met by His Majesty's Government making certain concessions which the Colombian Government appeared from the Minister's note to be anxious to obtain in the matter of the most-favoured-nation treatment provided for in the convention, or else by arranging for the self-governing Dominions to withdraw in this and all future cases from those clauses only of commercial treaties which were commercial in character, as distinct from those which were political in character. The division would, however, in any case have presented difficulties, and it has been argued that it would not, in fact, be possible. However this may be, any such solution would have still left the status of Colonial British subjects vague and unsettled, in the event of the point being raised again at any time, as it is quite possible it will be, in the case of any of the commercial treaties concluded by His Majesty's Government to which the self-governing Dominions or some of them are not adherents. His Majesty's Government have decided, therefore, that it is advisable to come to a clear decision as regards the main question before making any further progress with the Colombian Treaty.

5. In 1899 your then predecessors in office were consulted as regards the status in Japan of British subjects who belonged to a self-governing Dominion which had not adhered to the commercial treaty concluded by Her Majesty's Government in 1894 with that country. The treaty with Japan refers to the rights of the "subjects of the High Contracting Parties" and provides (Article XIX.) that the stipulation of the treaty shall not apply to India and certain Colonies except on notice of adhesion. The Law Officers reported (see Paper D.) that in their opinion Article XIX. had not the effect of limiting the rights of British subjects connected with non-adhering Colonies or possessions, and that the question who are British subjects for the purpose of the treaty is one of British law. No test, they said, could be suggested for discrimination against persons connected with non-adhering Colonies, and Article XIX. merely provided that the privileges and obligations of the treaty should not enure for the benefit of non-adhering Colonies, *e.g.*, the produce of a non-adhering Colony would not be entitled to the tariff prescribed by the treaty. The discrimination of the article was, in fact, in their view "territorial merely and not personal," and they accordingly held that "all persons who by British law are recognised as possessing the rights of British citizenship all over the world are entitled to the benefits of its (*i.e.*, the Commercial Treaty's) stipulations, and this test includes the inhabitants, being British subjects, of all Colonies and dependencies, whether they adhere to the treaty or not." This opinion they confirmed in a subsequent report furnished in the same year, on a kindred point arising out of the International Convention for the Protection of Industrial Property to which certain Dominions had not adhered. This subsequent report is likewise enclosed (Paper E.), as well as the circular despatch (Paper F.), in which the substance of both these reports was communicated to the Colonies.

6. It must be borne in mind, however, that the circumstances attending the conclusion of the Commercial Convention with Japan were somewhat exceptional. Great Britain undertook to renounce those rights of extra-territoriality which British subjects had till then enjoyed in Japan, in exchange for the privileges accorded in the Convention, so that the inhabitants of a non-adhering Dominion were in danger, on being deprived of the rights of extra-territoriality which they had so far enjoyed, of not being able to benefit by the fresh privileges which were manifestly intended as substitutes for those which were resigned. It is possible, therefore, that the peculiar circumstances of the case may perhaps have, to a certain

extent, influenced your predecessors in arriving at their decision in the case of Japan.

7. However that may be, neither Japan nor any other Power has so far advanced the contention that it is possible to draw a distinction between Colonial British subjects and the inhabitants of the United Kingdom, though this may be possibly because no case involving the question has ever occurred. On the other hand, it has been pointed out to Sir E. Grey by the Secretary of State for the Colonies that the admission of this distinction would entail considerable practical difficulties in certain cases, *e.g.*, if His Majesty's Government were compelled to differentiate between a Canadian and an Englishman both appealing in respect of the same grievance or, again, in the case of persons born in this country who emigrated to Australia, or in the case of Australians settled in this country. In neither of the latter cases would the change of domicile (in itself often a fact of considerable difficulty of proof) have effected any alteration in their status in the eyes of English law, but some test would clearly have to be devised whereby the moment of their change of status could be determined. I am to enclose herewith copy of a memorandum drawn up in the Colonial Office which explains in detail the views held by the Secretary of State for the Colonies (Paper G.).

8. In spite of the considerations therein set forth, Sir E. Grey is uncertain whether the decision taken in 1899 with regard to the treaty with Japan should, at the present time, be applied generally in the case of all commercial treaties where no exceptional circumstances, such as those existing in the case of Japan, have to be taken into account.

9. He will be glad, therefore, to be informed whether you consider that an International Court of Arbitration would be likely to approve the contention that all persons who by British law are recognised as possessing the rights of British citizenship all over the world are entitled to the benefits accorded to British subjects *eo nomine* in commercial conventions concluded by His Majesty's Government, and that this test includes the inhabitants—being British subjects—of each of the Dominions and Dependencies, whether such Dominion or Dependency has adhered to the Convention or not. If, on the other hand, you consider that this contention cannot be maintained, I am to request that you will state what, in your opinion, constitutes an inhabitant of a self-governing Dominion of the Empire for the purposes of excluding him from rights and privileges accorded to British subjects by a treaty to which the Dominion to which he belongs is not a party. Sir E. Grey will, at the same time, be glad to be furnished with any further observations which you may be good enough to offer on the subject generally.

I have, &c.,

L. MALLET.

His Majesty's Attorney-General and
Solicitor-General.

LIST OF PAPERS.

- A. Model of Draft Commercial Treaty.*
- B. Treaty of Friendship, Commerce, and Navigation between Great Britain and Colombia of February 16th, 1866.
- C. Note from the Colombian Minister for Foreign Affairs to His Majesty's Minister, dated 26th March, 1908.†
- D. Letter of Reference from Foreign Office to the Law Officers, and their Report, dated January 23rd, 1899.‡
- E. Letter of Reference from Foreign Office to the Law Officers and their Report, dated October 13th, 1899.§
- F. Circular to Colonies, dated 2nd December, 1899.
- G. Colonial Office Memorandum, January, 1911.||

* See p. 15 of Miscellaneous No. 208.

† See p. 75 of Dominions No. 5.

‡ No. 206A in Volume V of Law Officers' Opinions.

§ No. 232A in Volume V of Law Officers' Opinions.

|| Enclosure in No. 174.

12005

No. 176.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 13 April, 1911.)

[Answered, 9 May, 1911, by 12005.]

Sir,

Foreign Office, April 12, 1911.

WITH reference to your letter of the 24th November, 1909,* respecting the desired withdrawal of Australia from certain commercial treaties to which she was a party, I am directed by Secretary Sir E. Grey to transmit to you, herewith, copy of a despatch from His Majesty's Chargé d'Affaires in Mexico, from which you will see that the Mexican Government are prepared to agree to the withdrawal of Australia from the Anglo-Mexican Commercial Treaty of 1888 in the manner laid down in Clause XVI. of the Treaty.

I am to suggest, however, that this despatch should not be communicated to the Australian Government until His Majesty's Government have had time to consider the Law Officer's Report on the status under a commercial treaty of British subjects belonging to a Dominion which is not a party to such treaty. The Law Officers' Report† has now been received, and will be communicated to you.

I am, &c.,

LOUIS MALLET.

Enclosure in No. 176.

(Commercial. No. 15.)

Sir,

Mexico, March 11th, 1911.

WITH reference to your despatch of this series, No. 21, of November 30th, 1909, concerning the desire of the Government of the Commonwealth of Australia to withdraw from the Treaty of Friendship, Commerce, and Navigation of November 27th, 1888, between Great Britain and Mexico, I applied to the Mexican Minister for Foreign Affairs to know whether the opinion of his Government on this matter had not yet been formed, and I have now received from His Excellency a note, translation of which is enclosed, herewith, stating that the Mexican Government see no objection to the withdrawal of the said Commonwealth in the manner laid down in Clause XVI. of the Treaty, that is to say, subject to one year's notice to that effect.

I have, &c.,

T. B. HOHLER.

Sir Edward Grey, Bart., M.P.,

&c., &c., &c.

(Translation.)

Ministry for Foreign Affairs, Mexico,

March 9th, 1911.

MONSIEUR LE CHARGÉ D'AFFAIRES.

IN the note from His Majesty's Legation, No. 103, dated the 31st of December, 1909, it is stated that the Government of the Commonwealth of Australia, of which Victoria, South Australia, Tasmania, and West Australia form part, have expressed the desire to withdraw from the Treaty of Friendship, Commerce, and Navigation, concluded between the Mexican Government and the Government of Great Britain on the 27th of November, 1888.

In reply, I have the honour to inform you, by order of the President of the Republic, that after having submitted this matter to the consideration of the legal adviser of this Ministry, the Mexican Government see no objection to the withdrawal of the aforesaid Colonies and possessions from the above-mentioned Treaty, in the manner laid down in Clause XVI., that is to say, subject to one year's notice to that effect.

I have, &c.,

ENRIQUE C. CREEL.

T. B. Hohler, Esq.,

&c., &c., &c.

* No. 49 in Dominions No. 11.

† No. 137 in Vol. VII. of Law Officers' Opinions.

6 (b) Conclusion of Commercial Agreements by the Dominions.

8560

No. 177.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office, 10 May, and Board of Trade, 12 May, 1910. L.F.]

(No. 222.)

MY LORD,

Downing Street, 30 March, 1910.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 76, of the 16th of February,* forwarding a minute of the Canadian Privy Council on the subject of the commercial relations of the Dominion and Germany.

2. His Majesty's Government congratulate your Ministers on this termination of a tariff war which has lasted for more than six years; and they see with much pleasure that the return to more normal conditions of commercial intercourse is based on the admission of the principle that tariff arrangements within the Empire are matters of purely domestic concern.

I have, &c.,
CREWE.

8560

No. 178.

CANADA.

THE EARL OF CREWE to EARL GREY.

[Copy to Board of Trade, 12 May, 1910. L.F.]

[Answered by No. 181.]

MY DEAR GREY,

Downing Street, 30 March, 1910.

WITH reference to my despatch, No. 222, of 30th instant,† as to the provisional Agreement between Canada and Germany, Sir E. Grey has suggested that, if any Convention of a more permanent nature than the Agreement now concluded should be later negotiated for regulating the relations between Canada and Germany or any other foreign State, it would be desirable that it should assume the form of a contract between the King and the Head of the State in question, and should be signed by Plenipotentiaries appointed under His Majesty's seal and sign manual.

This is clearly the right course, and the only course which is free from objection, but Grey agrees with me in thinking that it is better to say so in a private letter than to give the appearance of admonition to your Ministers by embodying it in a despatch.

Yours, &c.,
CREWE.

10697

No. 179.

CANADA.

THE EARL OF CREWE to EARL GREY.

[Answered by No. 188.]

MY DEAR GREY,

Downing Street, 30th April, 1910.

I HAVE read with much interest your Confidential despatch of the 31st of March‡ on the subject of the Commercial Agreement between your Government and the United States of America.

As you are aware, the conclusion of this agreement and the friendly relations now prevailing between the United States and the Dominion are a matter of great satisfaction to His Majesty's Government.

* 8560: not printed

† No. 177.

‡ 10697: not printed.

In connection with this matter the same question has arisen as that dealt with in my private letter of the 30th of March* with regard to the German commercial arrangements.

Both these recent arrangements have been concluded direct between Canadian Ministers and representatives of foreign States. Neither is strictly a treaty, and if the question is raised, as it may be, in the House of Commons as to the exact character of the arrangement we will say so, but if more formal arrangements are contemplated with either country it would seem desirable that the shape of a treaty should be given to them. In that event the negotiations for the treaty could, of course, be conducted in Canada by your Ministers if desired, but it would seem in accordance with precedent (see specially Lord Ripon's despatch of 28th June, 1895, in the enclosed Parliamentary Paper,† and Edward Grey's despatch of the 4th of July 1907, published in the enclosed Return‡ which is being made to Parliament on Macmaster's motion) that the treaty should be signed by a duly authorised representative of the Foreign State and by His Majesty's Ambassador, associated, if desired, with Canadian representatives.

In the case of the German negotiations, I think that the treaty should be signed either in London or at Berlin. If signed at London Edward Grey would sign, together with one or more of your Ministers or the High Commissioner for Canada; if signed at Berlin the Ambassador would sign with a Canadian Minister or Ministers, to whom full powers would be issued.

In the case of the United States negotiations the treaty could be signed by Bryce at Washington, together with one or more of your Ministers, who would be given full powers for the purpose.

You will, of course, understand that there is no question of diminishing the powers of the Canadian Government to have its own treaties, but there are considerable advantages in adopting the regular forms of treaty. A treaty is an instrument subject to accepted rules of interpretation, while the informal agreements which have passed in the two recent cases are of a different nature, and might, if the foreign Power concerned desired to repudiate them, give rise to difficult questions.

I should like to know whether you would speak to your Ministers on this matter and get them to concur in the action proposed. I think Fielding quite understands the position, and he received full powers, both in 1907 and 1909, in connection with the French treaties.

If you would prefer that I should raise the matter in a formal despatch I shall, of course, be very glad to do so.

I may add, while I am writing to you, that we do not seem to have heard either from you or from Bryce the exact terms of the United States arrangement before it was agreed upon. Of course, the arrangement was one which could not finally be concluded without your consent, and it was one which did not seriously affect British interests. But I am inclined to think that in a matter of this kind the Imperial Government should always be informed, before the Governor-General's approval is given, of the exact nature of the proposals under consideration, so that, if necessary, representations should be made before a formal arrangement has been come to. Probably you are quite in agreement with me as to the principle of this, and only did not think it necessary to telegraph because the concessions made were so slight and unimportant, but I think it would be well if the general principle were laid down that in all such cases the Imperial Government should be in possession of full information before any final step is taken.

In the case of the negotiations with France, we told Fielding that nothing could finally be settled until he had submitted his proposals to us in draft and had received our approval; he accepted the condition and carried it out.

It would clearly have been very awkward for us had we been asked in the House whether we knew what concessions were being made by your Government and had been compelled to admit that we did not.

I am, &c.,
CREWE.

* No. 178.

† [C. 7824], July, 1895.

‡ [H.C. 129], April, 1910.

10697

No. 180.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

(Strictly Confidential.)

SIR,

Downing Street, 5 May, 1910.

WITH reference to your letter of the 21st March,* I am directed by the Earl of Crewe to transmit to you, to be laid before Sir E. Grey, copies of two private letters† which have been addressed by his Lordship to the Governor-General of Canada on the subject of the provisional Commercial Agreements between Canada and Germany and Canada and the United States.

2. I am also to enclose a copy of a despatch‡ from Lord Grey forwarding a report of the debate in the Canadian House of Commons on the agreement with the United States.

I am, &c.,
C. P. LUCAS

13814

No. 181.

CANADA.

EARL GREY to THE EARL OF CREWE.

(Received 9 May, 1910.)

MY DEAR CREWE,

Government House, Ottawa, 28th April, 1910.

I SENT a copy of your letter of the 30th ultimo§ privately to Mr. Fielding, and now enclose copy of his reply.

I think you will agree with me that it is quite satisfactory.

Yours very sincerely,
GREY.

Enclosure in No. 181.

DEAR LORD GREY,

Government House, Ottawa, 22nd April, 1910.

I BEG to acknowledge receipt of your letter of the 22nd instant enclosing copy of a private and confidential letter from Lord Crewe.

I entirely concur in Lord Crewe's suggestion as to what should be done in the case of the making of any commercial treaty with the United States or Germany. Such an arrangement, I take it for granted, would be brought about precisely in the same manner as in the case of the French Treaty. Preliminary negotiations would naturally be carried on by the Canadian Ministers. But before any conclusion could be reached or any definite action taken, the situation would be explained to the Colonial and Foreign Offices, and His Majesty would be moved to designate plenipotentiaries duly authorized for the making of a treaty.

Yours faithfully,
W. S. FIELDING.

His Excellency
The Governor-General,
Ottawa.

* 8560 : not printed.

† Nos. 178 and 179.

‡ 10697 : not printed.

§ No. 178.

14095

No. 182.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 a.m., 10th May, 1910.)

TELEGRAM.

[Answered by No. 184.]

(Paraphrase.)

Representations have been received by Minister of Finance from Belgian and Italian Consuls respecting commercial relations with their countries. Temporary agreements can probably be reached pending the making of permanent treaties through the proper channel. My Government hopes that if these consuls are authorized by their respective Governments to make such temporary arrangements as in case of Germany His Majesty's Government will make no objection to the consul so proceeding.

The arrangements if made will probably take form of granting to these countries some portion of Canadian intermediate tariff which the Canadian Government have authority to grant by Order in Council.—GREY.

14095

No. 183.
CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered, concurring, by 15607 : not printed.]

(Confidential.)

SIR,

Downing Street, 16th May, 1910.

I AM directed by the Earl of Crewe to request you to lay before Secretary Sir E. Grey the enclosed copy of a telegram* which has been received from the Governor-General of Canada, asking on behalf of the Dominion Government that no objection may be made to the conclusion of temporary commercial arrangements between Canada and Belgium and between Canada and Italy, through the Belgian and Italian consuls, if the latter are authorised by the Belgian and Italian Governments respectively.

Lord Crewe proposes, if Sir E. Grey concurs, to telegraph to Lord Grey in the following terms:—

"Your telegram of 10th May. No objection provided that your Ministers accept and appreciate, as I understand to be the case, views set out in my private letters to you of 30th March and 30th April."

Copies of these letters were sent to the Foreign Office in the confidential letter from this Office of the 5th of May,† and a copy of Lord Grey's reply‡ to the earlier letter is enclosed herewith.

I am to ask for as early a reply as possible.

I am, &c.,
C. P. LUCAS.

14095

No. 184.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.55 p.m., 19 May, 1910.)

TELEGRAM.

[See No. 185.]

Your telegram of May 10.* No objection, provided that your Ministers accept and appreciate, as I understand to be the case, views set out in my private letters to you of 30 March and 30 April.‡—CREWE.

* No. 182.

† No. 180.

‡ No. 181.

§ Nos. 178 and 179.

15872

No. 185.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.45 a.m., 26th May, 1910.)

TELEGRAM.

[Answered by No. 187.]

(Paraphrase.)

May 25th. His Majesty's Canadian Government (I have received) application from the Italian Government through Foreign Office and the Italian Consul for commercial privilege. Propose postpone question of making treaty through the proper authority for future consideration, and, in the meanwhile, make a temporary arrangement under which Canada will give Italy by Order in Council under authority Customs Tariff Act, 1897, intermediate tariff rates on a small list of articles following French Convention list; in return, Italy to allow Canada her convention tariff rates on some articles.

Either party may terminate temporary arrangement on two months' notice if the making treaty is deferred for an unreasonable time; a memorandum of agreement to the same effect to be signed here by Minister of Finance for Canadian Government and the Italian Consul for his Government. This will meet Italian present complaint and show ample time for communication respecting the negotiation to Colonial and Foreign Offices.

In consequence of Belgium's low tariff and her favourable treatment of Canada after the termination of (?) Treaty in 1898, under authority of the Act above stated it is proposed to give her intermediate tariff rates on articles mentioned in Schedule B to the French Convention and intermediate tariff rates, but not special rates, on articles mentioned in Schedule C.

It is proposed to give Netherlands the same treatment as Belgium, as that country's tariff rates are very low.

No agreement is required in these two cases, as the Canadian Government is for present satisfied with tariff conditions of the two countries.

Treaties may be necessary later to be negotiated in the usual manner, but all that is necessary for the present purpose is the passing of a Canadian Order in Council suggested herein.

Effect of these proposals will be disposal of all tariff questions with foreign countries for the present, except as respects Germany and the United States.

Until other arrangements are made by Treaty, products of these two countries will remain subject to Canadian general tariff.—GREY.

15872

No. 186.
CANADA.

COLONIAL OFFICE to FOREIGN OFFICE and BOARD OF TRADE.

[Answered, concurring, by 16331 and 16689 : not printed.]

SIR,

Downing Street, 28 May, 1910.

With reference to [your letter of the 23rd May*] [the letter from this Department of the 16th May†] as to the commercial relations between Italy and Belgium and the Dominion of Canada, I am directed by the Earl of Crewe to transmit to you, to be laid before [Secretary Sir E. Grey], [the Board of Trade], copy of a telegram sent to the Governor-General on the 19th of May, together with a copy of Lord Grey's reply,‡ embodying the proposals of his Government as to the conclusion of a commercial arrangement with Italy, and the grant of certain commercial privileges to Belgium and the Netherlands.

2. Lord Crewe proposes, subject to the concurrence of the Secretary of State for Foreign Affairs, to inform the Governor-General that His Majesty's Government have no objection to the proposals set out in his telegram of the 25th instant.§

I am, &c.,
C. P. LUCAS.

* 15607 : not printed.

† 14095 : not printed (a transmitter of Nos. 179, 181, 182, and 183).

‡ Nos. 184 and 185.

§ No. 185.

16331

No. 187.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 4.45 p.m., 31 May, 1910.)

TELEGRAM.

[Copy to Board of Trade and Foreign Office, 1 June, 1910. L.F.]

Your telegram of 25 May.* Commercial negotiations with Italy, &c., His Majesty's Government have no objection to course proposed.—CREWE.

17248

No. 188.

CANADA.

EARL GREY TO THE EARL OF CREWE.

(Received 7 June, 1910.)

(Extract.)

MY DEAR CREWE,

Government House, Ottawa, May 16th, 1910.

I HAVE NOT answered your letter of April 30 before as my letter of the 28th,† which crossed it, meets by anticipation the points raised by you.

I have, however, read to Fielding that part of your letter stating your views with regard to the rules which should govern negotiations between Canadian Ministers and Representatives of Foreign States. He unreservedly concurs with every word of your letter. There is no difference of opinion between you and him.

You appear to have expected a cable from me informing you as to what took place at Albany, and you remind me that in a matter of this kind the Imperial Government should always be informed of the exact nature of proposals under consideration, so that, if necessary, representations might be made before the conclusion of formal arrangements.

I am sorry I did not send you a cable from Albany or from New York, where I spent a week's holiday after leaving Albany. I had no cypher with me, and consequently there would have been a difficulty about cabling; but I confess it did not occur to me that a cable was necessary for any other purpose beyond that of keeping you supplied with early information. There could be only one opinion on Fielding's diplomatic achievement, and I contented myself, having no cypher with me, with writing you a full report of what happened at Albany in my letter mailed to you from New York.

The problem at Albany was how to find a way out of the impasse in which the United States Government were involved.

Taft was up against the apparent necessity of levying the United States maximum tariff on Canadian imports, and was most anxious to be provided with an excuse for not taking a step which, had it been taken, would have been followed by results most damaging to the friendly relations between the two countries.

* * * * *

As you have pointed out, the arrangement with the United States cannot be regarded as a treaty. All that Canada has done is to reduce, by Order in Council, the tariff on certain imports, not only from United States but from all countries, and to express a readiness to enter into negotiations for reciprocal tariff adjustments with the United States later on.

* No. 185.

† Nos. 179 and 181.

When Fielding embarks upon these negotiations he will, of course, be guided by those principles to which you have given expression in your private letters of March 30 and April 30.* Fielding has informed me that a further result of the Franco-Canadian Convention has been persistent pressure from the Consuls of Belgium and Italy, who both demand that their imports should receive the same generous treatment as that accorded to the States benefiting under that agreement.

Fielding fears that it will be necessary to meet the demands of Belgium and Italy, at least in part.

Both Belgium and Italy can present a stronger case for a reduction in the Canadian tariff on their imports than could either Germany or the United States.

Belgium has a low tariff with a surtax clause. Although she had the power, like Germany, to penalise Canada, when Canada gave tariff preference to England, she, unlike Germany, recognised the right of Canada to make such arrangements with the Motherland as seemed good to her. Fielding therefore considers that Belgium is entitled—because of her good treatment of Canada and because of her low tariff—to advantages equal to those extended to Germany, notwithstanding her bad treatment of Canada and her high tariff, and thinks it will be necessary in the near future to concede to Belgium, not all the advantages given to France by the Franco-Canadian Convention, but the greater part of them.

Mr. Fielding is also of the opinion that it will be necessary to give Italy some sort of a sop. Italy has two tariffs, a higher and a lower. Fielding is considering the desirability of making a reciprocal tariff adjustment with Italy, by giving Italy the advantage of the intermediate rate on certain articles in return for a reduction of the Italian tariff from the higher to the lower rate on certain Canadian articles.

Belgium has no *quid pro quo* to offer, so the reduction on Belgium imports would not entail any agreement. An Order of Council would suffice. In the case of Italy an arrangement would be necessary.

Fielding has been resisting the importunities of the Italian and Belgium Consuls as long as possible. He fears he cannot continue to keep them at arm's length much longer. One result of the Franco-Canadian Convention is to injure the trade of Antwerp, by restricting the rates given by the Convention to goods coming direct from France.

I remain,
Yours, &c.,
G.

17258

No. 189.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7 June, 1910.)

(Confidential.)

MY LORD,

Government House, Ottawa, Canada, 25th May, 1910.

I HAVE the honour to enclose a copy of an Order in Council sent up for my approval yesterday afternoon, May 24th, recommending an agreement proposed to be entered into between the Royal Consul of Italy for Canada, on behalf of the Italian Government, and the Minister of Finance, on behalf of the Government of Canada; and also authorising the Minister of Finance, on behalf of the Government of Canada, to sign such agreement.

On receipt of this Minute of Council yesterday afternoon, I withheld my approval and wrote to the Minister of Finance, calling his attention to the desirability of giving the Imperial Government an opportunity of expressing their views upon any proposals in contemplation, before they were finally approved, in accord-

* Nos. 178 and 179.

ance with the desire expressed in your cable of 19th May,* and urging him to mark time in his negotiations with the representatives of Italy and Belgium in order to enable me to submit his proposals to you for the consideration of His Majesty's Government.

I also requested him to draft a cable of his proposals, which I could submit to your Lordship.

The Minister of Finance came up to see me, and last night we discussed the terms of the cable† which was despatched to you early this morning, and which I hereby confirm.

The Minister of Finance is anxious to leave for England at an early date, and he would be glad if you could signify your approval of the proposals embodied in enclosed Order.

I have, &c.,
GREY.

Enclosure in No. 189.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE

On a memorandum from the Minister of Finance, dated the 23rd May, 1910, on the subject of the commercial relations between Italy and Canada, representing:

That prior to the adoption of the Convention respecting the commercial relations between France and Canada, Italian goods imported into Canada were admitted at the same rates of duty as similar goods from other foreign countries;

That the adoption of the Franco-Canadian Convention grants to certain products of France the rates of the Canadian Intermediate Tariff;

That, incidentally, the same advantages are granted to certain other countries by virtue of certain old treaties containing most-favoured-nation clauses; but that, as Italy is not one of the countries having such a treaty, the products of Italy are not at present entitled to the benefits of the Convention;

That representations have been made by the Royal Consul of Italy for Canada as to the desirability of a commercial treaty to govern the relations between Italy and Canada; but that, as the making of such a treaty in the usual formal manner would involve considerable delay, it is desirable that a temporary arrangement mutually satisfactory be entered into;

That Italy has two tariffs, known as the General Tariff, the higher one, and the Conventional Tariff, the lower one; some articles of interest to Canadian exporters being free while on other articles of like interest there is no conventional rate. That Canada, not having treaty arrangements with Italy, is not entitled to the benefits of the Italian Convention Tariff, and that, therefore, it is desirable that in the making of a temporary arrangement Italy should grant to Canada the benefits of her Conventional Tariff, on a specified list of Canadian products, in return for the granting by Canada of the benefits of the Intermediate Tariff on a specified list of Italian products;

That the Minister of Finance and the Royal Consul of Italy for Canada have been in communication, with a view to the selection of approved lists of articles for the purpose of such temporary arrangement, and that, as a result of such communication, the Minister of Finance submits a draft of a proposed agreement to be entered into between the Royal Consul of Italy for Canada, on behalf of the Italian Government, and the Minister of Finance, on behalf of the Government of Canada.

The Committee of the Privy Council recommend for approval said draft of a proposed agreement to be entered into between the Royal Consul of Italy for Canada, on behalf of the Italian Government, and the Minister of Finance, on behalf of the Government of Canada, and that the Minister of Finance, on behalf of the Government of Canada, be authorized to sign such agreement.

Clerk of the Privy Council.

2675

No. 190.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.5 a.m., 27th January, 1911.)

TELEGRAM.

[Published as No. 1 in [Cd. 5512] February, 1911.]

3951

No. 191.

CANADA.

THE HIGH COMMISSIONER FOR CANADA to COLONIAL OFFICE.

(Received 8 February, 1911.)

17, Victoria Street, London, S.W., 7th February, 1911.

[Published as No. 2 in [Cd. 5512] February, 1911.]

34796

No. 192.

COMMERCIAL NEGOTIATIONS WITH REGARD TO THE DOMINIONS.

His Majesty's Government has from an early date been anxious to assist the self-governing Colonies to secure by treaty commercial arrangements which may appear to them to be advantageous in their interests, and in respect of such negotiations have always desired to have the assistance of Colonial Ministers familiar with the matters dealt with.

Reference may be made to the negotiation of the Reciprocity Treaty of 1854 with the United States in the interests of Canada in which the Canadian Government were consulted in the fullest manner possible.

In 1865 Her Majesty's Government expressed their readiness to accept Canadian assistance in negotiating a Treaty of Reciprocity with the United States.

In 1871 Sir John Macdonald was one of the plenipotentiaries engaged in the negotiations for the Treaty of Washington, while Sir Alexander Galt and Sir Charles Tupper on several occasions conducted negotiations for commercial treaties with Spain and France. It was at first proposed in such cases that the Colonial Representative should be treated as being engaged in an informal negotiation, and that he should not actually sign the Convention when concluded; but this principle was abandoned almost immediately, and as early as 1884 it was contemplated that had the negotiations with Spain then on foot resulted in an agreement, Sir Charles Tupper, High Commissioner for Canada, should have signed the agreement together with Her Majesty's Representative at Madrid.

In 1888 Sir Charles Tupper actually signed the Treaty of Washington, which was, however, not approved by the United States Senate, and therefore was never ratified.

In 1892 Canadian Ministers, with Sir J. Pannecote, conducted negotiations with the United States Secretary of State, but no settlement resulted.

In 1893 Sir Charles Tupper negotiated a treaty with France, which was finally accepted by both the French and British Governments. Sir Charles signed the treaty along with Her Majesty's Representative.

In 1890 and 1902 Sir Robert Bond negotiated, through the Ambassador at Washington, with the United States Secretary of State. The former negotiation resulted in a Convention, which was not proceeded with owing to the opposition of the Canadian Government on the ground that it was hostile to the interests of Canada, but the negotiation of 1902 terminated in the signature of a Convention which, however, never came into operation, owing to the objections of the United States Government.

In 1898 and 1899 a Joint Commission was appointed by Great Britain and the United States of America, and elaborate negotiations took place for trade reciprocity with the United States, among other matters, the negotiators being with one exception, Lord Herschell, representatives of Canada and Newfoundland.

In 1907 Mr. Fielding and Mr. Brodeur, on behalf of the Canadian Government, negotiated a separate treaty with France which received the approval of His Majesty's Government, and which, as supplemented by a Convention of 1909, has been ratified by both Governments.

The principle regulating the conduct of such negotiations has always been as in the cases cited above—that His Majesty's Minister in the foreign Court concerned or a special delegate should be a plenipotentiary for the purpose of signing the treaty, and that the whole negotiation should be carried on under the supervision and with the approval of His Majesty's Government. The principles were laid down clearly in 1865, and they were more fully expressed in a despatch from Lord Ripon conveying the decision of the Imperial Government with regard to the resolutions arrived at by the representatives of the self-governing Colonies at the Ottawa Conference of 1894.

The principles laid down by Lord Ripon were briefly as follows:—

Any agreement made must be an agreement between Her Majesty and the Sovereign of a foreign State, and it was to Her Majesty's Government that the foreign State would apply in case of any questions arising under the agreement. To give the Colonies power of negotiating treaties for themselves without reference to Her Majesty's Government would be to give them an international status as separate and sovereign States, and would be equivalent to breaking up the Empire into a number of independent States, a result injurious equally to the Colonies and to the Mother Country, and one that would be desired by neither party. The negotiations, therefore, between Her Majesty and the foreign Sovereign must be conducted by Her Majesty's representative at the foreign Court, who would keep Her Majesty's Government informed of the progress of the discussion, and seek instructions from them as necessity arose. In order to give due help in the negotiations, Her Majesty's representative should as a rule be assisted by a delegate, appointed by the Colonial Government, either as a plenipotentiary or in a subordinate capacity, as the circumstances might require. If, as a result of the negotiations, any arrangements were arrived at, they would require approval by Her Majesty's Government and by the Colonial Government, and also by the Colonial Legislature, if they involved legislative action, before the ratification could take place. This procedure had been in the past adopted and Her Majesty's Government had no doubt as to its propriety, as securing at once the strict observance of existing international obligations and the preservation of the unity of the Empire.

The exact mode in which the negotiations have been conducted was varied slightly in 1907 in the case of the negotiation of the French Treaty regarding Canadian trade in that year. In the case of the previous treaty of 1893, not only was the treaty signed jointly by the Ambassador and Sir Charles Tupper, but in the negotiation Sir Charles Tupper was assisted by Sir Joseph Crowe, who was attached to the Paris Embassy. On the other hand, in 1909 Mr. Fielding and Mr. Brodeur carried on negotiations directly with the responsible French officials, and it was only after an agreement had been practically arrived at that full powers were issued to the Canadian Ministers, together with the Ambassador, for the signing of the treaty. There was, however, it should be noted, a ground of convenience for the association of Sir Joseph Crowe with Sir Charles Tupper in the earlier negotiation. Sir Charles Tupper desired the assistance of an officer who could converse fluently in French, and as early as 1884 the Imperial Government were prepared to permit Sir Charles Tupper to negotiate directly with the Spanish representatives if he had so wished. In both cases, before the plenipotentiaries were authorised to sign the treaty, the conditions laid down were carefully examined by the Imperial Government, and the treaty was, of course, subject to ratification by the Imperial Government.

Since the conclusion of the French Treaty of 1907 and the similar supplementary arrangement of 1909—which was also negotiated by the Canadian Ministers, Canada has concluded arrangements with Germany and with Italy regarding commercial matters. These arrangements were negotiated in Canada with the German Consul-General at Montreal and with the Royal Consul of Italy. In both cases the negotiation resulted not in a formal treaty but merely in a provisional agreement made in consideration of the intention to conclude a formal treaty

through the ordinary channel. The Canadian Government received the approval of His Majesty's Government for the conclusion of these Conventions, and the Canadian Government have expressly recognised that if any more formal arrangements are desired they should take the form of a treaty, and be negotiated by plenipotentiaries duly appointed.

In the case of the United States, in order to secure the grant of the minimum Payne tariff the Canadian Government carried on, in 1910, with the knowledge and approval of His Majesty's Government, negotiations with the United States Government. No treaty resulted from these negotiations, but the United States Government accorded the minimum tariff on the understanding that Canada would give concessions on certain articles, and the Canadian Government gave the concessions, not by special grant to the United States, but by lowering, by Act of Parliament, the tariff for the whole world.

In May, 1910, the Government of the United States of America expressed to Mr. Bryce their desire to carry on tariff negotiations with Canada, and asked through what channel they should do this. It was not convenient to Canadian Ministers to negotiate at the moment, but in January, 1911, two of them arrived at Washington and were presented by Mr. Bryce to the President. Conferences were then held between the two Ministers and the United States officials, Mr. Bryce remaining in general touch with the Canadian Ministers, and reminding them, in the course of the negotiations, "of the regard which it was right and fitting they should have to Imperial interests." The agreement arrived at, which was not for a treaty at all, but took the form of a note, and was for the promotion of concurrent legislation by Canada and the United States, provided for various reductions which would affect the British preference in Canada, and in some cases for duties in the United States which would be lower for Canadian goods than for British. Mr. Fielding, however, assured Mr. Bryce that in practice there would be no injury to British exporters to the United States.

In the case of Belgium and Holland no agreement has been made by Canada; but on the representations of the two Governments concessions have been made to them by Order in Council in view of the fact that in both countries Canadian products receive favourable treatment.

It will be seen that in no case has Canada concluded a treaty with a foreign Power direct; but in two cases provisional arrangements have been made of an informal character expressly in contemplation of formal arrangements, and that even in these cases the approval of His Majesty's Government has been obtained, while in the case of the United States in 1911 reciprocal legislation has been arranged for, Canadian legislation being, of course, subject to the consent of the Governor-General and disallowance by the Crown.

Similarly, in 1909 Lord Selborne, as Governor of the Transvaal, with the approval of His Majesty's Government, made an arrangement with the Governor-General of Mozambique with regard to the recruiting of labour for the Transvaal mines, railway rates, &c.

The principles which must regulate the substance of such Conventions are laid down in the despatch from Lord Ripon of the 28th of June, 1895, to which reference has been made above, and the principles there laid down have never been abandoned. These principles are:—

- (1) That no foreign Power can be offered tariff concessions which are not at the same time extended to all other Powers entitled in the Dominion to most-favoured-nation treatment. This is provided for by law in the Constitution Act of New Zealand, and was formerly so provided in the Constitution Acts of the Australian Colonies; and even where not the case it is obvious that His Majesty could not properly enter into an engagement with a foreign Power inconsistent with his obligations to other Powers; and before any convention or treaty can be ratified it is necessary that His Majesty's Government should be satisfied that any legislation for giving effect to the treaty engagements should make full provision for enabling His Majesty to fulfil his obligations both to the Power immediately concerned and to any other Powers whose treaty rights might be affected. This principle was fully accepted by Canada in respect of the French Conventions of 1907 and 1909, and similarly in respect of the concessions made to Germany, the United States, and Italy in 1910.

(2) Further, His Majesty's Government regard it as essential that any tariff concession conceded by a Dominion to a foreign Power should be extended to the United Kingdom and to the rest of His Majesty's Dominions. It is clear that no Dominion would wish to afford to foreign nations better treatment than it accords to the rest of the Empire of which it forms a part. For example, when informal discussions with a view to commercial arrangements between the Dominion of Canada and the United States were conducted in 1892, the Dominion Government declined to agree that Canada should discriminate against the products and manufactures of the United Kingdom, and on this ground the negotiations were broken off. Similarly, when Newfoundland, in 1890, had made preliminary arrangements for a Convention with the United States which would have accorded preferential treatment to that Power, Her Majesty's Government acknowledged the force of the protest made by Canada, and when the Newfoundland Government proposed to pass legislation to grant the concession stipulated for by the United States, the Secretary of State, in a despatch of the 26th of March, 1892, informed the Dominion Government that they might rest assured "that Her Majesty will not be advised to assent to any Newfoundland legislation discriminating directly against the products of the Dominion."

(3) His Majesty's Government cannot agree to a Colony asking from foreign Powers concessions hostile to the interests of other parts of the Empire. If, therefore, a preference was sought by, or offered to, a Dominion in respect of any article in which it competed seriously with the other Colonies or the Mother Country, His Majesty's Government would feel it to be their duty to use every effort to obtain an extension of the concession to the rest of the Empire, and in any case to ascertain as far as possible whether the other Colonies affected would wish to be made a party to the arrangement. In the event of this proving impossible, and of the result to the trade of the excluded parts of the Empire being seriously prejudicial, it would be necessary to consider whether it was desirable in the common interests to proceed with the negotiation. His Majesty's Government recognize that they would not be justified in objecting to a proposal merely on the ground that it is inconsistent with the commercial and financial policy of the United Kingdom, but the guardianship of the common interests of the Empire rests with them, and they cannot in any way be parties to any arrangements detrimental to these interests as a whole. In the performance of this duty it may be necessary to require apparent sacrifices on the part of a Colony, but they are confident that their general policy in Colonial matters is such as to satisfy Colonial Governments that they would not interpose any difficulties, without good reason, in the way of any arrangements which a Colony may regard as likely to be beneficial to it.

All these matters have been carefully observed by Canada in commercial negotiations affecting the trade of that Dominion. All concessions made to foreign Powers have been given to all the British Empire; and it was expressly stated by the Canadian Government in the Canadian House of Commons on January 14th, 1908, that in drawing up the terms of the Treaty of 1907 they had aimed at securing that the preference given to France should as little as possible deal with articles in which there was a considerable trade between Great Britain and Canada, and that their aim was as far as possible to preserve the preference given to Great Britain while encouraging the trade with France. It may be added that the Canadian Government has maintained a similar principle as regards any inter-colonial preference (see the Report of the Royal Commission on Trade Relations between Canada and the West Indies [Cd. 5639], p. 21).

Subject to the restrictions as to the mode of negotiation and the terms to be laid down in any treaty, His Majesty's Government are prepared to assist in every way the desire of any Dominion to negotiate with foreign Powers regarding commercial relations.

Colonial Office,
March, 1911.

7.

(Resolution XIII.) Trade Marks and Patents.

924

No. 193.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8 January, 1910.)

(No. 104.)

Government House, Wellington, 27th November, 1909.

[Published as No. 87 in [Cd. 5273], July, 1910.]

924

No. 194.

NEW ZEALAND.

COLONIAL OFFICE to BOARD OF TRADE.

Downing Street, 20 January, 1910.

[Published as No. 88 in [Cd. 5273], July, 1910.]

7549

No. 195.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14 March, 1910.)

(No. 91.)

Government House, Ottawa, Canada, 1st March, 1910.

[Published as No. 89 in [Cd. 5273], July, 1910.]

7549

No. 196.

CANADA.

COLONIAL OFFICE to BOARD OF TRADE.

Downing Street, 5 April, 1910.

[Published as No. 90 in [Cd. 5273], July, 1910.]

7549

No. 197.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNORS.

(Canada. No. 272.)

(Cape of Good Hope. No. 74.)

(Australia. No. 143.)

(Natal. No. 89.)

(New Zealand. No. 79.)

(Orange River Colony. No. 45.)

(Newfoundland. No. 54.)

(Transvaal. No. 77.)

Downing Street, 14 April, 1910.

[Published as No. 91 in [Cd. 5273], July, 1910.]

28276

No. 198.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received September 12, 1910.)

[Answered by No. 202.]

(No. 178.)

My LORD, Governor-General's Office, Melbourne, 4th August, 1910.
 REFERRING to your Lordship's despatch, No. 88, dated 5th March, 1909,* relative to the provision of uniformity in the granting and protection of trade marks and patents, I have the honour to inform you that the proposals contained therein, with respect to modifications of the existing law necessary to secure some means of uniformity in the granting and protection of patents, have been adopted to the following extent in the Commonwealth Patents Act, 1909:—

Improper conditions imposed by patentees.—Substantially adopted.
 Surrender of patents.—Adopted subject to a stay of proceedings in actions for infringement or revocation.
 Restoration of lapsed patents.—Adopted.
 Patents of addition.—Adopted.
 Compulsory licences.—Substantially adopted.

2. With regard to the suggestion as to the desirableness of summoning a conference of representatives to discuss the subject in detail, it is considered, in view of the action already taken and of the replies of the other self-governing Dominions to the suggestion, that no advantage would be gained by such a course.

I have, &c.,
 DUDLEY,
 Governor-General.

28276

No. 199.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 200.]

Sir, Downing Street, 17 September, 1910.
 WITH reference to the letter from this Department of the 5th of April last,† and previous correspondence, I am directed by the Earl of Crewe to transmit to you, to be laid before the Board of Trade, a copy of a despatch‡ from the Governor-General of the Commonwealth of Australia on the subject of uniformity in the granting and protection of trade marks and patents.

I am to state that, in view of the attitude of the Governments of Canada, the Commonwealth, and New Zealand, Lord Crewe proposes, with the concurrence of the Board of Trade, to abandon the suggestion for a conference to discuss the matter in detail.

I am, &c.,
 G. V. FIDDES.

32791

No. 200.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 26 October, 1910.)

[Answered by No. 203.]

Board of Trade (Commercial Department), Gwydyr House,

Sir, Whitehall, London, S.W., 25th October, 1910.
 I AM directed by the Board of Trade to advert to your letter of 17th September (Number 28276),§ transmitting copy of a despatch from the Governor-General of the Commonwealth of Australia on the subject of uniformity in the

* No. 81 in [Cd. 5273].

† No. 90 in [Cd. 5273].

‡ No. 198.

§ No. 199.

granting and protection of trade marks and patents and the suggestion that a conference should be summoned to discuss the matter in detail.

In reply, I am to inform you that they concur in Lord Crewe's view that, having regard to the attitude of the Governments of Australia, Canada, and New Zealand with regard to this matter, the suggested conference should be abandoned.

I have, &c.,
 H. LLEWELLYN SMITH.

32791

No. 201.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNORS.

(Canada. No. 801.) (New Zealand. No. 253.)
 (South Africa. No. 257.) (Newfoundland. No. 192.)

My LORD, Downing Street, 28 October, 1910.
 Sir,

[WITH reference to my despatch* [Canada: No. 272] [New Zealand: No. 79] [To Gov-
 [Newfoundland: No. 54] of the 14th April last] [South Africa: With reference to the ernors:—
 despatches* noted in the margin], I have the honour to transmit to [Your Excellency] Cape, No.
 [you] the accompanying copy of a despatch† which has been received from the 74.
 Governor-General of the Commonwealth of Australia on the subject of uniformity Natal, No.
 of legislation concerning trade marks and patents. 89.
 I shall be glad if you will inform your Ministers that in view of the attitude of Transvaal,
 the Governments of Canada, Australia, and New Zealand, it is not proposed to No. 77.
 proceed any further as regards the suggested conference to discuss this question. Orange
 River
 Colony,
 No. 45.
 14th April,
 1910.]

I have, &c.,
 CREWE.

32791

No. 202.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 419.)

My LORD, Downing Street, 28 October, 1910.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 178, of the 4th August last,‡ on the subject of uniformity in the granting and protection of trade marks and patents.

2. I shall be glad if you will inform your Ministers that in view of the attitude of the Governments of Canada, Australia, and New Zealand it is not proposed to proceed any further as regards the suggested conference to discuss this question.

I have, &c.,
 CREWE.

36580

No. 203.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 204.]

Sir, Downing Street, 6 December, 1910.

WITH reference to your letter of the 25th of October,‡ I am directed by Mr. Secretary Harcourt to request you to inform the Board of Trade that a telegram has been received from the Governor of New Zealand stating that his Government propose to move the following Resolution at the Imperial Conference of 1911 with regard to uniformity in patent and trade mark laws:—

"That it is in the best interests of the Empire that there should be uniformity throughout its centres in the law of patents and trade marks."

* No. 91 in [Cd. 5273].

† No. 198.

‡ No. 200.

2. The proposal made by the New Zealand Government was arrived at before the receipt by the Dominion Government of the despatch of the 28th of October,* a copy of which is enclosed and which was based on your letter under reference.

3. Mr. Harcourt presumes that in view of this despatch the New Zealand Government will not press this Resolution at the Conference, but he will be glad to have any observations which the Board of Trade may have to offer on the matter

I am, &c.,
C. P. LUCAS

38557

No. 204.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 17 December, 1910.)

Sir, Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 16th December, 1910.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 6th December (No. 36580),† with its enclosures, respecting a resolution which the New Zealand Government propose to bring forward at the forthcoming Imperial Conference on the subject of uniformity in the patent and trade mark laws of the Empire.

In reply, I am to state that as all the self-governing Dominions have recently had this question before them, and the Governments of Canada, Australia, and New Zealand consider that a special conference to discuss the subject is unnecessary, the Board do not anticipate much practical advantage from a discussion of the resolution in question at the Imperial Conference.

They would be glad, however, to have an opportunity of seeing any further communication on the subject which may be received from the New Zealand Government.

I have, &c.,
GEO. J. STANLEY.

39641

No. 205.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Copy to Board of Trade, 17 January, 1911. L.F.]

(Canada. No. 17.)
(South Africa. No. 10.)
(Newfoundland. No. 4.)

My LORD,
Sir,

Downing Street, 12 January, 1911.

YOUR Ministers will, no doubt, have observed that among the Resolutions proposed for discussion at the Imperial Conference of 1911 by the Commonwealth of Australia and New Zealand are Resolutions in favour of uniformity in the trade mark and patent laws of the Empire.

2. With reference to my predecessor's despatch, No. [801] [257] [192], of the 28th of October last,* I should be glad if [Your Excellency] [you] will inform your Ministers that the Resolutions have been noted for the Agenda, but that in view of the considerations pointed out in my predecessor's despatch under reference, I feel doubt whether further discussion at a Conference at the present time would be of any adequate value.

I have, &c.,
L. HARCOURT.

* No. 201.

† No. 203.

39641

No. 206.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Board of Trade, 17 January, 1911. L.F.]

(No. 14.)

My LORD,

Downing Street, 12 January, 1911.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 24th December* forwarding the text of Resolutions which your Government propose for discussion at the Imperial Conference of 1911. Copies of these resolutions have been duly forwarded for the information of the Governments of the other Dominions which will be represented at the Conference.

2. The Resolution with regard to uniformity in trade mark and patent laws has been noted for the Agenda, but I shall be glad if you will refer your Ministers to my predecessor's despatch, No. 419, of the 28th of October† and to your despatch, No. 178, of the 4th of August,‡ with reference to the proposal for a subsidiary Conference to discuss this particular subject. The considerations stated in that correspondence as to a subsidiary Conference seem to apply equally to discussion at the Imperial Conference, and I feel doubt whether such discussion would be of any adequate value.

I have, &c.,
L. HARCOURT.

39641

No. 207.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Board of Trade, 17 January, 1911. L.F.]

(No. 7.)

My LORD,

Downing Street, 12 January, 1911.

AMONG the subjects which have been suggested for discussion at the Imperial Conference of 1911 by your Government and that of the Commonwealth of Australia is the question of uniformity in the trade mark and patent laws of the Empire.

2. These questions have been noted for the agenda of the Conference, but I should be glad if you would refer your Ministers to my predecessor's despatch, No. 253, of the 28th of October,§ and to your predecessor's despatch, No. 104, of the 27th of November, 1909,|| with reference to the proposal for a subsidiary Conference to discuss this particular subject. The considerations stated in that correspondence as to a subsidiary Conference seem to apply equally to discussion at the Imperial Conference, and I feel doubt whether such discussion would be of any adequate value.

I have, &c.,
L. HARCOURT.

13763

No. 208.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 306.)

My LORD,

Downing Street, 29 April, 1911.

WITH reference to my despatch, No. 17, of the 12th of January,¶ I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of a memorandum** on the protection of patents and trade marks in the United Kingdom and the self-governing Dominions.

I have, &c.,
L. HARCOURT.

* No. 4 in [Cd. 5513].

§ No. 201.

† No. 202.

|| No. 87 in [Cd. 5273].

¶ No. 205.

‡ No. 198.

** Appendix VII.

(Resolution XV.) Uniformity in Company Law.

34798

No. 209.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 211.]

SIR, Downing Street, 29 November, 1910.
 WITH reference to previous correspondence on the subject of the uniformity of Company Law throughout the Empire, I am directed by Mr. Secretary Harcourt to request you to inform the Board of Trade that he has learned by telegraph from the Governor of New Zealand that his Government desire to discuss at the Imperial Conference of 1911 the question of uniformity in Company Law.

2. Mr. Harcourt understands that no action has been taken by the Commonwealth Parliament so far to deal with Company Law, because the powers vested by the Constitution in that Parliament are inadequate to enable it to deal effectively with the question.

3. He also understands that in Canada questions as to the rights of the Federal and Provincial Governments are now under the consideration of the Supreme Court of the Dominion, and pending the decision of this question, which will no doubt involve a reference to the Judicial Committee of the Privy Council, it would seem that little progress can be made in Canada with regard to Company legislation.

4. Mr. Harcourt will be glad to receive a memorandum from the Board of Trade stating the present position and mentioning any points on which it appears to them it would be desirable that the legislation of New Zealand should be brought into harmony with the law of this country.

I am, &c.,
 H. W. JUST.

36581

No. 210.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 211.]

SIR, Downing Street, 1st December, 1910.
 IN continuation of the letter from this office of the 29th of November,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, the accompanying extract from a telegram from the Governor of New Zealand giving the text of the resolution as to uniformity of company law to be moved by the New Zealand Government at the Imperial Conference of 1911.

I am, &c.,
 C. P. LUCAS.

Enclosure in No. 210.

"(12) *Uniformity of Laws*: That it is in the best interests of the Empire that there should be uniformity throughout its centres in the law of . . . companies."

* No. 209.

37568

No. 211.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 8 December, 1910.)

[Answered by Nos. 213, 214, and 217.]

SIR, Board of Trade, 8th December, 1910.
 I AM directed by the Board of Trade to refer to Mr. Just's letter of the 29th ultimo, and to Sir Charles Lucas's letter of the 1st instant,* and to say, in reply, that a memorandum shall be prepared in accordance with Mr. Harcourt's wishes dealing with the question of uniformity in Company Law throughout the Empire, and making specific mention of any points on which it appears to them that it would be desirable that the legislation of New Zealand should be brought into harmony with the law of this country.

I am to add that it would be, in the opinion of the Board of Trade, helpful if a memorandum were also prepared in New Zealand embodying the views of the New Zealand Government.

I have, &c.,
 G. S. BARNES.

37568

No. 212.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 4.10 p.m., 13th December, 1910.)

TELEGRAM.

[Answered by No. 215.]

Your telegram, 29th November,† Resolution 12. Board of Trade are preparing memorandum on subject and represent that it would be most useful if your Government could also furnish memorandum embodying their views as to uniformity of company law. Should be glad if this memorandum could reach me not later than beginning of March so that it may receive fullest consideration, and be circulated so as to reach other members of Conference some time before they start.—HARCOURT.

37568

No. 213.

COLONIAL OFFICE to BOARD OF TRADE.

SIR, Downing Street, 15 December, 1910.
 I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 8th instant,‡ and to transmit, for the information of the Board of Trade, a copy of a telegram§ to the Governor of New Zealand respecting the preparation of a memorandum as to uniformity of company law. Mr. Harcourt would be obliged if the memorandum which is to be prepared in the Board of Trade could reach this Department not later than the beginning of March, so that it may be printed and copies circulated in time to reach members of the Conference and receive their consideration before they start for the Conference.

I am, &c.,
 H. W. JUST.

* Nos. 209 and 210.

† No. 2 in [C.L. 5513].

‡ No. 211.

§ No. 212.

39783

No. 214.

COLONIAL OFFICE to BOARD OF TRADE.

SIR, Downing Street, 4 January, 1911.
 WITH reference to your letter of the 8th of December, 1910,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, the accompanying extract from a telegram from the Governor-General of the Commonwealth of Australia giving the text of the resolution as to uniformity of company law to be moved by the Commonwealth Government at the Imperial Conference in May next.

The Board of Trade will, no doubt, bear the question of Australian company law in mind so far as possible in preparing their memorandum on the subject for the Imperial Conference.

I am, &c.,
 C. P. LUCAS.

Enclosure in No. 214.

"Uniformity of Company Law: That it is desirable, so far as circumstances permit, to secure and maintain uniformity in the company law . . . of the Empire."

7981

No. 215.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.30 a.m., 11th March, 1911.)

TELEGRAM.

Your telegram of 13th December,† resolution 12, Uniformity Company Law. Following received from Prime Minister:—

Begins: As British Companies are increasingly carrying on operations in New Zealand and other oversea Dominions, it is desirable that there should be uniformity in respect to main principles connected with formation and operation of mercantile companies. With this object legislation should be prepared by Imperial Government and should be submitted to oversea Dominions for consideration and approval, with a view to such legislation coming into operation throughout Great Britain and Ireland and oversea Dominions consenting to it. Legislation in question to define powers of each oversea Dominion to alter or amend provisions of such legislation, and also to define such portions of this legislation as cannot be altered without consent of Imperial Government and oversea Dominions bound by it. *Ends.*

—ISLINGTON.

7981

No. 216.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND SOUTH AFRICA, AND THE GOVERNOR OF NEW-FOUNDLAND.

(Sent 12.20 p.m., 14th March, 1911.)

TELEGRAM.

Following is text of statement as to uniformity in Company Law forwarded in telegram by Governor, New Zealand, in answer to request for memorandum on twelfth resolution of Government of New Zealand at Imperial Conference as affecting Company Law. [See No. 215.]—HARCOURT.

* No. 211.

† No. 212.

7981

No. 217.

COLONIAL OFFICE to BOARD OF TRADE.

[See Appendix VIII.]

SIR, Downing Street, 17th March, 1911.
 WITH reference to the letter from this Department of the 4th of January* and previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, the accompanying copy of a telegram† from the Governor of New Zealand forwarding a statement from his Prime Minister embodying the views of the New Zealand Government on the resolution to be moved at the Imperial Conference as to uniformity of Company Law. This statement has been communicated to the Governments of the other self-governing Dominions in a telegram‡ a copy of which is enclosed.

2 The Board of Trade will no doubt consider the statement in connection with the memorandum referred to in your letter of the 8th December last.§ Mr. Harcourt will be glad to receive that memorandum at as early a date as possible.

I am, &c.,
 H. W. JUST.

13031

No. 218.

COLONIAL OFFICE to SIR J. WARD AND DR. J. G. FINDLAY.

SIR, Downing Street, 27 April, 1911.
 I AM directed by Mr. Secretary Harcourt to transmit to you, for your information, a copy of a Comparative Analysis of Company Laws in the British Empire and a memorandum|| thereon which have been prepared by the Board of Trade for use at the approaching Imperial Conference.

I am also to enclose a copy of a similar document¶ which was prepared for the Conference of 1907.

I am, &c.,
 H. W. JUST.

13031

No. 219.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 293.)

(New Zealand. No. 157.)

(Australia. No. 192.)

(Newfoundland. No. 98.)

(South Africa. No. 192.)

MY LORD,
 SIR,

Downing Street, 28 April, 1911.

WITH reference to my telegram of the 14th of March‡ and previous correspondence, I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, [copies] [a copy] of a Comparative Analysis of Company Laws in the British Empire, with a memorandum|| thereon, which have been prepared by the Board of Trade for use at the approaching Imperial Conference.

I also enclose [copies] [a copy] of a similar document¶ prepared for the Conference of 1907.

I have, &c.,
 L. HARCOURT.

* No. 214.
 † Appendix VIII.

‡ No. 215.

§ No. 216.
 ¶ Printed at page 528 of [Cd. 3524].

(Resolution XVI.) Reciprocity in the Admission of Surveyors to Practise.

5368

No. 220.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.45 p.m., 21st February, 1910.)

TELEGRAM.

[Published as No. 154 in [Cd. 5273], July, 1910.]

5368

No. 221.

NEW SOUTH WALES.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 4.48 p.m., 7 March, 1910.)

TELEGRAM.

[Answered by No. 228.]

7 March. Your telegram 21 February.* Date yet to be fixed by consent; am awaiting replies from other Governments.—CREWE.

8059

No. 222.

SURVEYORS' INSTITUTION to COLONIAL OFFICE.

(Received 19 March, 1910.)

[Answered by No. 158 in [Cd. 5273].]

The Surveyors' Institution, 12, Great George Street,
Westminster, S.W., 18th March, 1910.

[Published as No. 155 in [Cd. 5273], July, 1910.]

10684

No. 223.

TRANSVAAL.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1.12 p.m., 11th April, 1910.)

TELEGRAM.

[Published as No. 156 in [Cd. 5273], July, 1910.]

* No. 154 in [Cd. 5273].

11862

No. 224.

TRANSVAAL.

THE DEPUTY GOVERNOR to THE SECRETARY OF STATE.

(Received 12.42 p.m., 22nd April, 1910.)

TELEGRAM.

[Published as No. 157 in [Cd. 5273], July, 1910.]

11862

No. 225.

COLONIAL OFFICE to THE SURVEYORS' INSTITUTION.

[Answered by No. 159 in [Cd. 5273].]

Downing Street, 5 May, 1910.

[Published as No. 158 in [Cd. 5273], July, 1910.]

14127

No. 226.

SURVEYORS' INSTITUTION to COLONIAL OFFICE.

(Received 11 May, 1910.)

The Surveyors' Institution, 12, Great George Street,
Westminster, S.W., 10th May, 1910.

[Published as No. 159 in [Cd. 5273], July, 1910.]

14127

No. 227.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNORS.

(Canada. No. 360.)

(New Zealand. No. 110.)

(Australia. No. 194.)

(Newfoundland. No. 79.)

(South Africa. No. 4.)

(New South Wales. No. 68.)

Downing Street,

[27 May,]

[To South Africa 2 June,] 1910.

[Published as No. 160 in [Cd. 5273], July, 1910.]

17540

No. 228.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.45 a.m., 10th June, 1910.)

TELEGRAM.

[Answered by No. 234.]

Your telegram of 7th March.* My Ministers advise that they now find that the joint representation of New Zealand and Australian Colonies at proposed Conference of Surveyors-General this year cannot be arranged, but if proposed Conference be held May or June next year two delegates representing Australian States will attend.—CHELMSFORD.

* No. 221.

22371

No. 229.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 21 July, 1910.)

[Answered by No. 236.]

(No. 94.)

MY LORD,

Government House, St. John's, 12th July, 1910.

REFERRING to your despatch, No. 79, of the 27th May,* in relation to a Conference of Surveyors-General, I have the honour to inform your Lordship that my Ministers do not desire to be represented at the Conference.

I have, &c.,

RALPH WILLIAMS.

22360

No. 230.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.20 p.m., 29th July, 1910.)

TELEGRAM.

[Answered by No. 234.]

Your despatch 27th May.* My Government have agreed to combine with various States Commonwealth of Australia in sending two delegates to attend Conference of Surveyors-General to be held in London during the fourth week of October, 1910, and have promised Premier, New South Wales, to contribute portion of cost of sending two delegates. My Government did not consider that it was necessary to specially send in addition Surveyor-General, New Zealand, to attend Conference.—ISLINGTON.

23529

No. 231.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.54 p.m., 30th July, 1910.)

TELEGRAM.

[Answered by No. 237.]

July 30. No. 2. Referring to your despatch of the 2nd of June, No. 4,* Conference of Surveyors-General, Ministers regret that circumstances connected with the establishment of Union have rendered impracticable the representation of Union of South Africa at the Conference. Despatch† follows by mail.—GLADSTONE.

24058

No. 232.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6 August, 1910.)

[Answered by No. 235.]

(No. 324.)

MY LORD,

Government House, Ottawa, 27 July, 1910.

WITH reference to your Lordship's despatches, Nos. 147 and 360, of the 23rd February and the 27th May,‡ respectively, on the subject of the proposed

* No. 160 in [Cd. 5273].

† 25675: not printed.

‡ 14020/09: not printed, and No. 160 in [Cd. 5273].

Conference of Surveyors-General in October, 1910, I have the honour to transmit, herewith, copy of an approved minute of His Majesty's Privy Council for Canada appointing Mr. E. G. D. Deville, LL.D., D.T.S., Surveyor-General of Canada, to represent the Dominion at the Conference.

Your Lordship will observe that none of the Provincial Governments propose to send representatives to this Conference.

I have, &c.,
GREY.

Enclosure in No. 232.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE ADMINISTRATOR ON THE 21ST JULY, 1910.

(P.C. 1486.)

The Committee of the Privy Council have had before them a report, dated 5th July, 1910, from the Secretary of State for External Affairs, to whom was referred despatches, dated respectively 28th February and 27th May, 1910, from the Right Honourable the Principal Secretary of State for the Colonies, on the subject of the proposed Conference of Surveyors-General in October, 1910.

The Minister states that the Government of Canada will be glad to take part in the Conference in question, and he recommends that Mr. E. G. D. Deville, LL.D., D.T.S., Surveyor-General of Canada, be authorised to represent the Dominion at the Conference.

The Minister further states that this invitation was duly communicated to the Provincial Governments, from whom replies have been received to the effect that none of these Governments purpose to send representatives to this Conference.

The Committee, concurring in the foregoing, advise that Your Excellency may be pleased to inform the Right Honourable the Principal Secretary of State for the Colonies in the sense of this minute.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

25495

No. 233.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.50 p.m., 18th August, 1910.)

TELEGRAM.

Your telegram of 28th July,* Conference Surveyors-General, Commonwealth Government has no objection to date named, but, in view of request of State Governments and New Zealand, Ministers would be glad if arrangements could be made to meet their wishes as far as to allow postponement until next year. It is considered that date to be fixed should be such as will permit of the report of this subsidiary Conference being completed in time to submit to forthcoming Imperial Conference. Arrangements being made for High Commissioner for Australia to represent Commonwealth at the Conference.—DUDLEY.

26884

No. 234.

THE SECRETARY OF STATE to THE GOVERNORS.

[Answered by No. 239.]

(New Zealand. No. 206.)

(New South Wales. No. 135.)

MY LORD,

Downing Street, 9 September, 1910.

WITH reference to your telegram of the [29th of July last] [10th June last],† I have the honour to transmit to you, to be laid before your Ministers, copies of replies‡ which have been received from the various self-governing Dominions with

* Reminder of No. 160 in [Cd. 5273].

† Nos. 230 and 228.

‡ Nos. [228], [230], 229, and 231-233.

respect to the proposed Conference of Surveyors-General, from which it will be observed that it has not been possible to secure a fully representative attendance in October.

Your Ministers will doubtless recognise that the attendance of representatives of all the self-governing Dominions is highly desirable if the Conference is to lead to useful results, and I have accordingly been in communication with the Council of the Surveyors' Institution with a view to the postponement of the Conference until next year.

It is now suggested that the Conference should meet in May, 1911, and I trust that this date will prove convenient to your Government.

[To New South Wales only. I shall be glad if your Ministers will be so good as to communicate with the other Australian States on the subject.]

I have, &c.,
CREWE.

26884

No. 235.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[See No. 241.]

(No. 682.)

MY LORD,

Downing Street, 9 September, 1910.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 324, of the 27th of July,* enclosing a copy of a minute of the Privy Council of Canada notifying the appointment of Mr. E. G. D. Deville to represent the Dominion at the proposed Conference of Surveyors-General in October next.

I have to enclose, for the information of your Ministers, copies of replies which have been received from the other self-governing Dominions, from which it will be observed that it has not been possible to secure a fully representative attendance in October, and that the Australian Commonwealth has suggested the postponement of the Conference till just before the Imperial Conference of 1911.

Your Ministers will, no doubt, recognise that the presence of representatives of all the self-governing Dominions is highly desirable if the Conference is to lead to useful results. The Council of the Surveyors' Institution, with whom I have been in correspondence, have agreed that an endeavour should be made to arrange for the Conference to meet in May, 1911, and I am now addressing the other self-governing Dominions on the subject.

I trust that, in view of the circumstances indicated above, your Ministers will acquiesce in the proposed alteration in the date of the Conference, and will be able eventually to arrange for the representation of Canada at it.

I have, &c.,
CREWE.

26884

No. 236.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 238.]

(No. 160.)

SIR,

Downing Street, 9 September, 1910.

I HAVE the honour to acknowledge the receipt of your despatch, No. 94, of the 12th of July last,† and to transmit to you, to be laid before your Ministers, copies of correspondence‡ from which it will be perceived that it has not been possible to arrange for a full representation of the self-governing Dominions at the proposed Conference of Surveyors-General in October.

It is accordingly now proposed to postpone the Conference till May next, and your Ministers will, no doubt, consider whether they should be represented then, in view of the desirability of having full representation at these Conferences.

I have, &c.,
CREWE.

* No. 232.

† Nos. 228-231 and 233.

‡ No. 229.

§ Nos. 228 and 230-233.

26884

No. 237.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[See No. 242.]

(No. 186.)

MY LORD,

Downing Street, 9 September, 1910.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram, No. 2, of the 30th of July last,* and of your despatch, No. 104, of the same date,† enclosing a copy of a minute from your Ministers regarding the proposed Conference of Surveyors-General to be held in London in October.

Governor, New South Wales, telegram,
10 June.
Governor, Newfoundland, 94, 12 July.
Governor, New Zealand, telegram,
29 July.
Governor-General, Canada, 324, 27 July.
Governor-General, Australia, telegram,
18 August.

I enclose copies of correspondence as noted in the margin,‡ and shall be glad if you will inform your Ministers that as it has not been

found possible to secure the attendance of representatives of all the self-governing Dominions in October, the Council of the Surveyors' Institution have, at my suggestion, agreed to the postponement of the Conference until May, 1911.

Your Ministers will doubtless recognize that the attendance of representatives of all the self-governing Dominions is highly desirable if the Conference is to lead to useful results, and, while I appreciate the importance of the considerations which led them to decide not to be represented at the Conference in October, I trust that the proposed alteration in date will enable them to reconsider their decision in the matter.

I have, &c.,
CREWE.

33386

No. 238.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 31 October, 1910.)

[Answered by No. 247.]

(No. 127.)

MY LORD,

Government House, St. John's, 20th October, 1910.

In reply to your despatch, No. 160, of the 9th September,§ I have the honour to inform your Lordship that, agreeably with their previous decision on the matter, my Ministers do not desire that this Government should be represented at the proposed Conference of Surveyors-General in May next.

I have, &c.,
RALPH WILLIAMS.

34551

No. 239.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 6.15 a.m., 11th November, 1910.)

TELEGRAM.

Your despatch 9th September, No. 135,|| Robert Macdonald, Under Secretary for Lands, New South Wales, and Allan Spowers, Surveyor-General, Government of Queensland, have been appointed jointly represent New Zealand and Australian States except South Australia at proposed Conference of Surveyors-General, and will arrive London May 20th next.—CHELMSFORD.

* No. 231.

† 25675 : not printed (it confirmed No. 231).
‡ No. 236.§ Nos. 228-230, 232 and 233.
|| No. 234.

34561

No. 240.

COLONIAL OFFICE to THE SURVEYORS' INSTITUTION.

[Answered by 35329 : not printed.]

SIR, Downing Street, 15 November, 1910.
 WITH reference to the letter from this Office of the 1st October,* I am directed by Mr. Secretary Harcourt to transmit to you the accompanying copy of a telegram† from the Governor of New South Wales on the subject of the representation of the Australian States (except South Australia) and the Dominion of New Zealand at the proposed Conference of Surveyors-General.

2. Mr. Harcourt will be glad to learn on what date it is desired that the first meeting of the Conference should be held, in order that notification of it may be sent by telegram to the other Governments interested.

I am, &c.,
 C. P. LUCAS.

37381

No. 241.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.2 p.m., 5th December, 1910.)

TELEGRAM.

[Answered by No. 245.]

Your telegram of 22 November,‡ Surveyors' Conference. Dr. E. Deville, Surveyor-General, will represent Government of Canada.—GREY.

39325

No. 242.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.15 a.m., 24th December, 1910.)

TELEGRAM.

[See No. 247.]

24th December. Your telegram of 22nd November,‡ Conference of Surveyors-General. Whilst fully recognizing importance of representation at Conference, Ministers regret that in view of reorganization of Public Service and of other important problems consequent on establishment of Union, they still consider it undesirable to authorise absence from South Africa of responsible permanent officials for considerable time to come, and will, therefore, not be represented at Conference.—GLADSTONE.

39325

No. 243.

COLONIAL OFFICE to THE SURVEYORS' INSTITUTION.

SIR, Downing Street, 2 January, 1911.
 WITH reference to the letter from this Office of the 30th of November,§ I am directed by Mr. Secretary Harcourt to inform you that the Government of Canada have decided to be represented at the Conference of Surveyors-General by Dr. E. Deville, Surveyor-General of the Dominion.

2. The Governor-General of the Union of South Africa reports that his Ministers, while fully recognizing the importance of being represented at the Conference, regret that, in view of the reorganization of the Public Service and of other

* 28832 : not printed.

† No. 239.

‡ 35329 : not printed : (giving date of proposed meeting of conference).

§ 35329 : not printed.

important problems consequent on the establishment of Union, they still consider it undesirable to authorise for a considerable time to come the absence from South Africa of responsible permanent officials, and they will therefore not be represented at the Conference.

3. The Government of Newfoundland also is unable to be represented, and the Conference will be confined to representatives of Canada, New Zealand, and the Australian States with the exception of South Australia.

4. Mr. Harcourt will be glad to receive as soon as possible the proposals of the Institution for the agenda of the Conference and other information which it is desired should be transmitted to the Governments which are to be represented. It is understood that the Conference will commence on the 30th May, and that it will take place at the Surveyors' Institution.

I am, &c.,
 H. W. JUST.

1464

No. 244.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14 January, 1911.)

[Answered by No. 247.]

(No. 417.)

SIR, Government House, Cape Town, 27th December, 1910.
 WITH reference to my telegram of the 24th December,* I have the honour to transmit herewith a copy of a minute which I have received from my Ministers on the subject of the Conference of Surveyors-General proposed to be held in London in May next.

2. I trust that it will be possible to supply the reports asked for in the second paragraph of this minute.

I have, &c.,
 GLADSTONE,
 Governor-General.

Enclosure in No. 244.

(Minute No. 917.)

Prime Minister's Office, 22nd December, 1910.

With reference to His Excellency the Governor-General's Minute, No. 17/42, of the 3rd October, on the subject of the Conference of Surveyors-General proposed to be held in May next, Ministers have the honour to request His Excellency to communicate to the Secretary of State that, whilst fully recognising the importance of representation at the Conference, they regret that circumstances necessitate their adhering to the sentiments expressed in their minute of the 27th July last, to the effect that, in view of the reorganisation of the Public Service, and of the many other important problems consequent on the establishment of Union, it is still deemed undesirable to authorise the absence from South Africa of responsible permanent officials for some considerable time to come.

Ministers feel confident that the Right Honourable the Secretary of State will appreciate the reasons which compel them to remain unrepresented, and trust that he will be good enough to cause them to be furnished with reports of the deliberations of the Conference, for their consideration, to enable them to initiate measures to ensure co-operation as far as may be possible with the decisions arrived at by the Conference.

J. W. SAUER.

* No. 242.

3411

No. 245.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 72.)
(New South Wales. No. 16.)(Canada. No. 88.)
(New Zealand. No. 50.)

MY LORD,

Downing Street, 10 February, 1911.

WITH reference to [my predecessor's despatch No. 344 of the 9th September last*], [my telegram of the 7th February†], [Your Excellency's telegram of the 5th December‡], [your despatch No. 140 of the 10th November last§], I have the honour to request that [Your Excellency] [you] will inform your Ministers that the Conference of Surveyors-General will be held at the Surveyors' Institute, 12 Great George Street, Westminster, London, S.W., on the 30th of May next.

2. I have to add that the Governor-General of the Union of South Africa has reported that his Ministers, while fully recognising the importance of being represented at the Conference, regret that in view of the reorganization of the public service and of other important problems consequent on the establishment of Union, they still consider it undesirable to authorise for a considerable time to come the absence from South Africa of responsible permanent officials, and they will therefore not be represented at the Conference. The Government of Newfoundland also is unable to be represented, and the Conference will therefore be confined to representatives of the Dominion of Canada (Dr. E. Deville, Surveyor-General) and of New Zealand, the Commonwealth of Australia, and the Australian States with the exception of South Australia (Mr. E. A. Counsel, Surveyor-General of Tasmania, and Mr. Allan Spowers, Surveyor-General of Queensland).

[3. To New South Wales only: Your Government will no doubt be so good as to inform the other Australian States.]

[3. To Australia only: The High Commissioner for the Commonwealth has been informed accordingly.]

I am, &c.,
L. HARCOURT.

3411

No. 246.

COLONIAL OFFICE to THE SURVEYORS' INSTITUTION.

[Acknowledged 11 February, 1911.]

SIR,

Downing Street, 10 February, 1911.

WITH reference to the letter from this Department of the 2nd ultimo,|| I am directed by Mr. Secretary Harcourt to inform you that he learns by telegram from the Governor of New South Wales that Mr. E. A. Counsel, Surveyor-General of Tasmania, has been appointed one of the joint representatives of the Australian States (except South Australia) and the Dominion of New Zealand at the forthcoming Conference of Surveyors-General, in the place of Mr. R. McDonald.

I am, &c.,
H. W. JUST.

3411

No. 247.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(South Africa. No. 70.)
(Newfoundland. No. 21.)

MY LORD,

Downing Street, 10 February, 1911.

WITH reference to your [Excellency's despatch, No. 417, of the 27th December,*] [despatch, No. 127, of the 20th October last,**] I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a despatch††

* L.P. † 3411: not printed. ‡ No. 241. § 3867†: not printed.
† No. 243. ‡ No. 244. ** No. 238. †† No. 245.

which has been addressed to the Governors-General of the Dominion of Canada and the Commonwealth of Australia, and the Governors of New Zealand and New South Wales, on the subject of the Conference of Surveyors-General.

I am, &c.,
L. HARCOURT.

3411

No. 248.

COLONIAL OFFICE to THE OFFICIAL SECRETARY TO THE COMMONWEALTH OF AUSTRALIA.

[Acknowledged 15 February, 1911.]

SIR,

Downing Street, 13 February, 1911.

WITH reference to your letter of the 13th of September last,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the High Commissioner, the accompanying copy of a despatch† which has been addressed to the Governor-General of the Commonwealth of Australia, on the subject of the Conference of Surveyors-General which is to be held in May next.

I am, &c.,
H. W. JUST.

5795

No. 249.

COLONIAL OFFICE to THE SURVEYORS' INSTITUTION.

[Answered by 7747: not printed.]

SIR,

Downing Street, 7 March, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 10th of February,‡ on the subject of the Conference of Surveyors-General to be held in May next.

2. In reply, I am to inform you that as the Conference of Surveyors-General will be held practically simultaneously with the Imperial Conference, it will be impossible for the Secretary of State or for the Parliamentary Under-Secretary to undertake to preside at the meetings of the Conference. Mr. Harcourt is inclined to think that it would be more advantageous that a representative of the surveyors' profession, or some other gentleman with technical knowledge, should preside over a conference at which the main subjects to be discussed are of so purely professional a character.

3. Mr. Harcourt sees no objection to the Institution of Civil Engineers and the Director of the Ordnance Survey being asked to be represented at the Conference, and he is, therefore, sending invitations to the Institution of Civil Engineers and to the Director of the Ordnance Survey. He is suggesting to these bodies that for further information as to the details of the Conference they should apply to you. Mr. Harcourt does not think it is necessary to invite the presence of representatives of the Crown Colonies. Any action with regard to these Colonies which may become desirable as the result of the Conference can conveniently be carried out by despatch.

4. Mr. Harcourt concurs that the Agenda for the Conference should be put forward officially by the Secretary of State and not by the Surveyors' Institution, and I am to enclose a draft of a despatch§ which, with the concurrence of the Institution, he proposes to address to the Governors-General and Governors of the Dominions concerned.

5. It will be observed that the suggestion in paragraph 8, of your letter that the Central Examination Board should have a secretary at the Colonial Office has been omitted. Mr. Harcourt is doubtful whether the proposal is practicable, or whether any advantage would be served by putting it in that precise form, but in any case it is a matter of detail which can stand over usefully for further consideration at the Conference itself.

I am, &c.,
H. W. JUST.

* 28469: not printed. † No. 245. ‡ 5795: not printed. § No. 250.

No. 250.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by No. 253.]

(Canada. No. 168.)

(New South Wales. No. 29.)

(Australia. No. 119.)

(New Zealand. No. 96.)

MY LORD,

SIR,

Downing Street, 10 March, 1911.

WITH reference to my despatch, No. [88] [72] [16] [50], of the 10th of February,* I have the honour to request [Your Excellency] [you] to inform your Ministers that I have had under my consideration, in conjunction with the Council of the Surveyors' Institute, the question of the matters to be considered at the Conference of Surveyors-General to be held in May next.

2. I assume that in deciding to take part in this Conference your Government may be taken to be prepared to consider favourably the question of reciprocity, provided always that suitable arrangements can be made for carrying it out in the different parts of the Empire.

3. The most important of these arrangements must be the adoption of a standard of qualification acceptable by the different parties to the agreement. The following is suggested as a possible basis for discussion; it is divided into three parts:—

Preliminary.—Candidates should be required to pass, or to have passed, the matriculation examination of a recognised University, or an examination accepted by such a University as equivalent to the matriculation examination.

Intermediate.—Candidates should be required to pass as assistants or as articulated pupils two years in the office of a Member of the Surveyors' Institution or the Institution of Civil Engineers in the United Kingdom, or of a licensed surveyor in the Dominion, of which period not less than one year should be in outdoor work.

Final.—Candidates should be required to pass an examination in the following subjects, viz.:—

A. Theory

- (1) Algebra.
- (2) Geometry.
- (3) Plane Trigonometry.
- (4) Mensuration.
- (5) Spherical Trigonometry.
- (6) Practical Astronomy.
- (7) Co-ordinate Geometry.
- (8) Theory of Surveying and Levelling.
- (9) Optics, Light and Heat.
- (10) Elements of Geology.
- (11) Elements of Physics.

B. Practical Land Surveying—

Part I.

(Written Examination.)

- (1) The determination and computation of azimuth, latitude, and time
- (2) The projection of maps.
- (3) The construction, manipulation, and adjustment of all surveying and levelling instruments.
- (4) Methods of base measurement and the application of corrections.
- (5) The observation of angles, horizontal and vertical, the application of corrections, and the reduction of small errors of position.
- (6) The computation of a geodetic triangulation (principal and secondary), the computation and reduction of a traverse, and the computation and plotting of co-ordinates.
- (7) The computation of areas.
- (8) Detailed surveying.
- (9) Contouring and representation of land forms, and measurement of capacity from contours.
- (10) Computations of heights and reductions of level observations.
- (11) Setting out curves, laying out roads, making cross sections and calculation of quantities.

* No. 245.

Part II.

(Practical Examination.)

Trial survey (not less than 100 acres).

4. In the event of a standard being agreed upon, a land surveyor, authorised in one Dominion, State, or Protectorate and moving to another, would have to produce his certificate and satisfy the authority of his new country that he was conversant with the laws and regulations appertaining to the survey, registration, and transfer of lands in that country. Examinations for this purpose should be held twice yearly, and should be open to anyone who has passed the test proposed in paragraph 4, as finally amended and agreed upon by the parties.

5. Each Dominion, State or Provincial Government which is now responsible for carrying out official examinations would remain the responsible authority under the scheme for reciprocity.

6. In the United Kingdom, there being no official examining body in land surveying in existence, it is suggested that the examination should be carried out by a Joint Committee of the Institution of Civil Engineers and the Surveyors' Institution, with, perhaps, a representative of the Ordnance Survey.

7. To insure that the standard of qualification agreed upon is maintained by each examining body, it is suggested that a Central Examination Board should be set up, to whom copies of all official examination papers should be forwarded immediately after the holding of an examination. Representatives of each party to the agreement should have a seat on the Board, which should be required to publish annually all papers set at official examinations, other than those on local land laws referred to in paragraph 5, and issue an annual report to the Governments concerned.

8. I have to add that I have considered it desirable to extend an invitation to be represented at the Conference to the Institute of Civil Engineers and the Director of the Ordnance Survey.

[9. *To New South Wales only:* I enclose spare copies of this despatch for communication to the other Australian States, as I think it better to continue to correspond with your Government only as representing the other States for this purpose.]

I have, &c.,

L. HARCOURT.

5795

No. 251.

COLONIAL OFFICE to THE OFFICIAL SECRETARY to THE COMMONWEALTH OF AUSTRALIA.

SIR,

Downing Street, 14 March, 1911.

IN continuation of the letter from this Office of the 13th of February,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the High Commissioner, the accompanying copy of a despatch† which has been addressed to the Governor-General of the Commonwealth of Australia on the subject of the agenda for the Surveyors-General Conference, which is to be held in May next.

I am, &c.,

C. P. LUCAS.

5795

No. 252.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(South Africa. No. 128.)

(Newfoundland. No. 57.)

MY LORD,

SIR,

Downing Street, 15 March, 1911.

WITH reference to my despatch, No. [70] [21], of the 10th of February,‡ I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copy of a despatch† which has been addressed to the Governors-General of the Dominion of Canada and the Commonwealth of Australia and the Governors of New Zealand and New South Wales, on the subject of the Conference of Surveyors-General to be held in May next.

I have, &c.,

L. HARCOURT.

* No. 248.

† No. 250.

‡ No. 247.

13199

No. 253.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24 April, 1911.)

(No. 213.)

SIR, Government House, Ottawa, Canada, 11 April, 1911.
 WITH reference to your despatch, No. 168, of the 10th March last,* on the subject of the approaching Conference of Surveyors-General, I have the honour to transmit herewith, for your information, copies of an approved minute of His Majesty's Privy Council for Canada setting forth the views of my responsible advisers.

I have, &c.,
 GREY.

Enclosure in No. 253.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 6th April, 1911.

(P.C. 705.)

The Committee of the Privy Council have had before them a report, dated 1st April, 1911, from the Secretary of State for External Affairs, to whom was referred a despatch, dated 10th March, 1911, from the Right Honourable the Principal Secretary of State for the Colonies, on the subject of the approaching Conference of Surveyors-General.

The Minister states that the invitation to send representatives to the Conference was first conveyed to Your Excellency by the despatch, No. 140, dated 4th March, 1909, from the Right Honourable the Principal Secretary of State for the Colonies, transmitting a memorandum from the Council of the Surveyor's Institution on the subject of the proposed establishment of reciprocity in matters connected with examination and authorization of surveyors throughout the Empire. Among other information, it was shown in this memorandum that the surveyors of any one Province in Canada were rigidly excluded from practising in the other Provinces, that a law granting a concession to surveyors from His Majesty's dominions other than Canada had been repealed by Parliament the year before, and that the views indicated by the revocation of that concession were corroborated by the Corporation of Land Surveyors of the Province of Quebec, who at a special meeting declared very definitely against any proposals of reciprocity.

The Minister observes that, in view of the hostility of Canadian public opinion to the proposed establishment of reciprocity among surveyors throughout the Empire, plainly shown by the memorandum of the Surveyors' Institute, and of the fact that reciprocity could not even be established among Canadian surveyors, the invitation to participate in the Conference was accepted more in deference to the wishes of His Majesty's Government than in the hope that the deliberations would lead to any practical result so far as Canada was concerned.

That it is now assumed by the Right Honourable the Principal Secretary of State for the Colonies in the despatch under consideration, that, in deciding to take part in this conference, Your Excellency's Ministers may be taken to be prepared to consider favourably the question of reciprocity, provided always that suitable arrangements can be made for carrying it out.

It is respectfully submitted that Your Excellency's Ministers cannot undertake beforehand to consider this question favourably, even though the arrangements may be deemed suitable by the Conference, and that if this is to be made a condition precedent to participation in the deliberations there will be no alternative but to withdraw from the Conference.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward a copy hereof to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
 Clerk of the Privy Council.

* No. 250.

10.

(Resolution XVII.) Universal Penny Postage.

34792

No. 254.

COLONIAL OFFICE to GENERAL POST OFFICE.

SIR, Downing Street, 19 November, 1910.
 WITH reference to the statement as to the extension of penny postage since 1907 which was published in [Cd. 5273], I am directed by Mr. Secretary Harcourt to request you to inform the Postmaster-General that the Government of New Zealand have suggested for discussion at the Imperial Conference of 1911 the question of Universal Penny Postage.

2. Mr. Harcourt will be glad to receive, at Mr. Samuel's early convenience, a memorandum expressing the views of His Majesty's Government on the subject, which might be communicated to the self-governing Dominions.

I am, &c.,
 C. P. LUCAS.

36514

No. 255.

COLONIAL OFFICE to GENERAL POST OFFICE.

SIR, Downing Street, 6 December, 1910.
 WITH reference to the letter from this Office of the 19th November,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Postmaster-General, the accompanying extract from a telegram from the Governor of New Zealand giving the text of the resolution as to universal penny postage which is to be moved by his Government at the Imperial Conference of 1911.

I am, &c.,
 C. P. LUCAS

Enclosure in No. 255.

"(5.) *Universal Penny Postage*.—That in view of the social, political, and commercial advantages to accrue from a system of international penny postage, this Conference recommends to His Majesty's Government the advisability of approaching the Governments of other States known to be favourable to the scheme with a view to united action being taken at the next meeting of the Congress of the Universal Postal Union"

5667

No. 256.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 126.)
 (Australia. No. 92.)
 (South Africa. No. 99.)

(New Zealand. No. 66.)
 (Newfoundland. No. 32.)

MY LORD,
 SIR,

Downing Street, 24 February, 1911.

WITH reference to my despatch, No. [38] [25] [30] [17] [8], of the 20th of January,† I have the honour to transmit to [Your Excellency] [you], to be laid

* No. 254.

† No. 6 in [Cd. 5313].

before your Ministers, copies of a memorandum which has been prepared by the General Post Office on the subject of the resolution which is to be moved at the Imperial Conference by the New Zealand Government in favour of universal penny postage throughout the Empire.

2. This memorandum will conveniently form a basis for the discussion at the Conference.

I have, &c.,
L. HARCOURT.

5667

—Enclosure in No. 256. *VL*

UNIVERSAL PENNY POSTAGE.

MEMORANDUM.

The Government of New Zealand has given notice of its intention to move at the Imperial Conference a resolution in the following terms:—

"That in view of the social, political, and commercial advantages to accrue from a system of International Penny Postage, this Conference recommends to His Majesty's Government the advisability of approaching the Governments of other States known to be favourable to the scheme with a view to united action being taken at the next meeting of the Congress of the Universal Postal Union."

The proposal for an International Penny Postage rate, which was made to the Postal Union Congress at Rome in 1906 by Sir J. G. Ward, the representative of New Zealand, did not obtain the support of any representatives but those of the United States and Egypt.

The arguments urged in favour of the proposal on that occasion were, generally, that postal service should be available for everyone on equal terms whatever the country in which he lives, and that postage rates should be uniform and fixed at the lowest sum which will cover expenses, and, particularly, that the reduction would involve a comparatively small loss of revenue, and that this would be merely temporary and would soon be recovered, since the reduction would result in a rapid growth in the quantity of correspondence, while the increase in expenses would be unimportant.

The attitude of foreign countries generally at the Rome Congress was unfavourable. They urged that an excess of receipts might be applied more suitably to improve postal arrangements than to the reduction of rates, that expenses tended to increase more rapidly than receipts, that correspondence would not increase at the rapid rate anticipated, and, further, that countries where communication is difficult and costly and population sparse could not afford to reduce the rate to a penny even for the inland service.

Since the Rome Congress the penny postage system has been adopted between this country and the United States, but no disposition has been evinced by foreign Postal Administrations to advocate a universal penny postage system.

The Congress of Rome rejected a proposal (supported by Great Britain) for a uniform tariff of 20 centimes (2d.) per 15 grammes; but it agreed to one proposed by Great Britain of 25 centimes for the first 20 grammes (or 1 oz.) and 15 centimes for each succeeding 20 grammes (or 1 oz.), instead of 2½d. for the first 15 grammes (½ oz.) and a like amount for each succeeding 15 grammes (½ oz.). Individual countries were, however, allowed to postpone the adoption of the improved scale in the case of letters posted in their own services, and several Administrations still maintain the former rates.

The objections to Universal Penny Postage, apart from the general ones to charging for services otherwise than at rates which are approximately proportionate to the cost of rendering them, are entirely of a financial kind. It would involve a

large initial loss of revenue and might lead to a demand for lower national and urban letter rates and for a reduction of the charges on other classes of correspondence. The position of the British Government has not materially altered since the question was before the Conference in 1907. The British Post Office and Exchequer are not in a position at the present time to renounce the receipts which would be lost if Universal Penny Postage were to be established.

The estimates made by the British Post Office in 1907 showed that the sacrifice of net postal revenue involved would neither be temporary in duration nor inconsiderable in amount.

These estimates are confirmed by subsequent experience. Taking into account the increased cost of dealing with increased quantities of postal matter, the Department has not recovered and cannot recover the loss of net postal revenue incurred in the Imperial Penny Postage system—a loss estimated in 1898 at £108,000 for the first year. The scheme has since been extended to places not then included; and at the present time the loss is £155,000 without taking into account subsidies to shipping companies. It is an increasing loss, because the cost of handling is more than 1d. per letter including the cost of handling the reply, on which this country receives nothing.

The most recent figures available show that the cost in the case of a letter for a foreign country, with its reply, is not less than 1d. per ounce. Hence it follows that a postage rate of 1d. per ounce would leave no margin of profit, and that an increase in traffic would leave the annual sacrifice of revenue practically unaffected.

It is calculated upon recent figures that if the penny post were extended to letters for all countries not already included in the system, the initial loss of revenue would be about £450,000 a year.

Foreign Postal Administrations would similarly have to incur a very considerable sacrifice of revenue. In some cases they have not yet even a penny postage rate in their inland service and the initial expense would be the heavier since both services would be affected, as, for instance, in the case of Italy.

In these circumstances the prospect that the scheme would meet with favour abroad is very small; and, apart from other arguments for or against the proposal, the British Government are precluded at present from entertaining it because the Exchequer is not in a position to bear the heavy loss which would be involved.

General Post Office.

February 20, 1911.

10798

No. 257.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

- | | |
|-----------------------------|----------------------------|
| (1. Canada. No. 242.) | (4. New Zealand. No. 132.) |
| (2. Australia. No. 168.) | (5. Newfoundland. No. 85.) |
| (3. South Africa. No. 169.) | |

MY LORD,

SIR,

Downing Street, 7 April, 1911.

WITH reference to my predecessor's [(1), (4), and (5): circular despatch of the 17th of July, 1905*] [(3) circular despatch of the 17th of July, 1905,* to the Governors of the Cape of Good Hope, Natal, Transvaal, and Orange River Colony] [(2): despatch "General" of the 23rd of August, 1906,†] I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copies of a circular despatch which has been addressed to the Governors of the Crown Colonies relative to the introduction of penny postage for letters from the Common-

* 23529/05: not printed.

† 29468/06: not printed.

wealth of Australia to the British self-governing Dominions, Colonies, and Protectorates.

I have, &c.,
L. HARCOURT.

Enclosure in No. 257.

(Circular.)

SIR, Downing Street, 25th March, 1911.
With reference to Mr. Lyttelton's circular despatch of 17th July, 1905, I have the honour to inform you that arrangements are being made by which, from a date not yet fixed but probably not later than the 1st of May next, letters from the Commonwealth of Australia addressed to British Colonies and Protectorates will be prepaid at the rate of one penny per half ounce.

I have accepted this proposal on behalf of the British Colonies and Protectorates represented by the Imperial Post Office in the affairs of the Postal Union.

I have, &c.,
L. HARCOURT.

The Officer Administering
the Government of

13187

No. 258.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 296.)
(South Africa. No. 194.)
(New Zealand. No. 159.)
(Newfoundland. No. 100.)

MY LORD,
SIR,

Downing Street, 28 April, 1911.

With reference to my despatch, No. [242] [169] [132] [85] of the 7th instant,* I have the honour to state that I learn from the Postmaster-General that he has received a telegram from the Post Office of the Commonwealth of Australia stating that the rate of postage of one penny the half-ounce for letters sent from Australia to the United Kingdom and the British Empire generally will be introduced on the 1st of May. This information has, no doubt, been communicated direct to the postal administration of [the Dominion of Canada] [the Union of South Africa] [the Dominion of New Zealand] [Newfoundland].

I have, &c.,
L. HARCOURT.

* No. 257.

11.

Postal and Telegraphic Communications.

NOTE.—This correspondence, so far as it is concerned with international penny postage and improved cable communications, is in continuance of Resolutions XVII. and XVIII. of the Colonial Conference of 1907.

26687

No. 259.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29 August, 1910.)

[Answered by No. 260.]

(No. 170.)

MY LORD, Governor-General's Office, Melbourne, 25th July, 1910.

I HAVE the honour to inform your Lordship that I am advised by His Majesty's Prime Minister of the Commonwealth that the Government are of opinion that in order to secure a lower rate for telegrams with Europe, *via* the Pacific cable, and also more accurate transmission, action should be taken to obtain the ownership and control of a cable across the Atlantic Ocean between Great Britain and Canada.

Further, it is considered by the Commonwealth Government that the telegraph line between the landing place of such proposed Atlantic cable and the point of junction with the Pacific cable should be owned and operated by the Canadian Government.

2. The High Commissioner of the Commonwealth has been requested to urge upon the Pacific Cable Board the desirableness of obtaining such a cable, either by purchasing one of the existing lines or by laying an independent cable.

3. The present apportionments on a press message between Australia and the United Kingdom "*via* Pacific" are as follows:—

	Per word.
Atlantic Cable	5d.
Canada	1d.
Pacific Cable Board	2d.
Australia	1d.

4. In dealing with this matter, the Commonwealth Postmaster-General points out the comparatively large amount allotted to the Atlantic section, and draws attention to the circumstance that the charge on public messages to places in Europe, other than the United Kingdom, exceeds 3s. per word, owing to the fact that the Atlantic cable companies will not agree to accept the same apportionment on these messages as they do on messages to the United Kingdom. This gives the Eastern Extension Telegraph Company a practical monopoly of European business to places outside the United Kingdom.

5. The Prime Minister informs me that the Commonwealth Government will be glad if the Imperial authorities can see their way to co-operate with them on this question with a view to securing the objects sought. I may add that similar representations are being addressed to the Government of Canada by the Commonwealth Government.

I have, &c.,
DUDLEY,
Governor-General.

30459

No. 260.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 394.)

MY LORD,

Downing Street, 14 October, 1910.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 170, of the 25th of July,* reporting that your Government suggest that action should be taken to obtain the ownership and control of a cable across the Atlantic between Great Britain and Canada, and that the telegraph line between the landing place of such cable and the point of junction with the Pacific Cable should be owned and operated by the Canadian Government.

2. As regards the latter point your Ministers are aware that arrangements have now been made for the operation by the Pacific Cable Board of a telegraph line through Canada, and I presume that this arrangement will fully meet the wishes of your Government in this respect.

3. The question of the provision of a State-owned cable across the Atlantic received the fullest consideration of His Majesty's Government at the end of 1908 when similar proposals were made by Mr. Lemieux, the Postmaster-General of Canada. His Majesty's Government then decided that it was not possible to accept the proposal, one of the considerations which weighed much with them being the inexpediency of incurring heavy outlay on transatlantic cables at a time when great efforts are being made to provide effective long distance services by means of wireless telegraphy.

4. Moreover, the existing transatlantic service works with admirable efficiency; the terminal points of the cables are situated on British territory, and the landing licences in this country guarantee complete control to the Government in case of emergency. There is, however, legitimate ground for dissatisfaction in that the rates press with undue severity on certain classes of the community. These grievances would be met, so far as the general public is concerned, if it should be found practicable to carry out a scheme based upon proposals made by the Postmaster-General of the Commonwealth, under which half rates would be charged in respect of telegrams in plain language accepted on the condition that they may be liable to be deferred until traffic paid for at full rates has been disposed of. The Postmaster-General is at present in communication with the principal cable companies and Government telegraph administrations with a view to the adoption at an early date of a reduced tariff on this basis, and Mr. Samuel is not without hope that his efforts may prove successful.

5. His Majesty's Government sympathise strongly with the desire of the Australian Government for a further reduction of the rates for press telegrams and for the adaptation of these rates so as to admit of the Pacific Cable Board charging the same through rate on telegrams exchanged with countries on the Continent of Europe as on those exchanged with the United Kingdom. In view, however, of the important negotiations referred to in the preceding paragraph of this despatch the Postmaster-General deems it inexpedient for the present to press these particular points on the attention of the cable companies. The matter, however, will not be lost sight of when a suitable occasion for dealing with it presents itself.

I have, &c.,
CREWE.

* No. 259.

30459

No. 261.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNOR.

(Canada. No. 776.)

(New Zealand. No. 247.)

MY LORD,

Downing Street, 21 October, 1910.

[To New Zealand only: With reference to your telegram of the 11th instant*] I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copy of correspondence with the Governor-General of the Commonwealth of Australia, as noted in the margin, relative to a proposal that action should be taken to obtain the ownership and control of a cable across the Atlantic between Great Britain and Canada, and that the telegraph line between the landing place of such cable and the point of junction with the Pacific Cable should be owned and operated by the Canadian Government.

I have, &c.,
CREWE.

33702

No. 262.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 4.10 a.m., 2nd November, 1910.)

TELEGRAM.

[Answered by No. 263.]

Ward, on behalf of Government of New Zealand, desires to urge strongly on His Majesty's Government to co-operate (with) Pacific Cable Board in a construction of Atlantic cable to complete all-through line to Pacific.—ISLINGTON

33702

No. 263.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 261.)

MY LORD,

Downing Street, 9 November, 1910.

I HAVE the honour to acknowledge the receipt of your telegram of the 2nd instant,† in which you report that your Ministers are desirous that His Majesty's Government should co-operate with the Pacific Cable Board in the construction of an Atlantic cable to complete a through line to the Pacific.

In reply I have to request you to refer your Ministers to my predecessor's despatch, No. 247, of the 21st October,§ which explains the present attitude of His Majesty's Government on the subject.

I have, &c.,
L. HARCOURT.

* No. 17.

† Nos. 259 and 260.

‡ No. 262.

§ No. 261.

35452

No. 264.

TREASURY to COLONIAL OFFICE.

(Received 19 November, 1910.)

[Answered by L.F. transmitting copy of No. 265.]

SIR,

Treasury Chambers, 18 November, 1910.

I AM directed by the Lords Commissioners of His Majesty's Treasury to acknowledge the receipt of Sir C. Lucas's letter of the 15th ultimo (30459/1910),* and I am to transmit herewith, for the information of Mr. Secretary Harcourt, a copy of a letter of to-day's date which they have caused to be addressed to the Chairman of the Pacific Cable Board on the subject of the proposed cable between Australia and New Zealand.

Copies of a letter from the Pacific Cable Board of the 18th May last, and of the memorandum therewith enclosed showing the grounds of the proposal, and of their Lordships' reply of the 14th June, are also annexed.

Should the Secretary of State see no objection, my Lords would be glad if he would endeavour to ascertain from the Commonwealth and New Zealand Governments their intentions with regard to the use of the wireless system which it is proposed to establish.

I am, &c.,

G. H. MURRAY.

Enclosure 1 in No. 264.

SIR,

Treasury Chambers, 18th November, 1910.

THE Lords Commissioners of His Majesty's Treasury have had before them your letter of the 28th September last (10/2002/713), in which you state that the Pacific Cable Board has received from all the contributing Governments communications expressing their approval of the proposal that the Board should extend its system by laying a cable between Australia and New Zealand, and request their Lordships to take steps for obtaining the sanction of Parliament to the proposal, including power to raise by loan the whole or any part of the funds required.

Since that letter was received, the Secretary of State for the Colonies has drawn their Lordships' attention to the report of a Radio Telegraphic Conference held at Melbourne in December last, containing proposals to erect wireless stations for the purpose of establishing communication between Australia and New Zealand and Fiji and other places in the Pacific, and has informed them that the Australian Government have already accepted tenders for the erection of high-power stations at Sydney and Fremantle, the former to be capable of communicating with Doubtless Bay, in New Zealand, and that the New Zealand Government has called for tenders for the establishment of a high-power station at Doubtless Bay, to be capable of communicating with the station at Sydney.

It is stated in an appendix (C.) to the report of the Conference that if satisfactory wireless communication is established between Australia and New Zealand (and New Zealand and Fiji) it is possible for the system to compete with the existing cables for ordinary telegraph business between these places, but that "it is understood that the installations of Sydney and Doubtless Bay will only be used for communicating with ships and for defence purposes."

Their Lordships are not apparently interested in the possible competition of such a wireless system, controlled by the Governments of Australia and New Zealand respectively, with the existing cables between those Dominions, *i.e.*, with the cables of the Eastern Extension Company, but they are very directly interested in its possible competition with the new cable which your Board desires to lay.

The Renewal Fund, out of which it is proposed (at any rate in the first instance) to provide the cost of the new cable, estimated at some £155,000, has practically been built up out of contributions from the Imperial Government and the Governments of Canada, Australia, and New Zealand; and the two former Governments are directly concerned, in common with the two latter (who are installing the wireless system) in the possible effect of wireless competition on the future revenues

* Not printed: transmitter of No. 260.

of the Board, which it was hoped would be increased by the new cable's agency. My Lords are therefore endeavouring to ascertain, through the Colonial Office, the intentions of the Governments of Australia and New Zealand as to the limitations—if any—which are to be imposed upon the use of the wireless system, and further particulars as to the possible effect of such a system on the Board's Intercolonial traffic.

Until this information is received, my Lords do not feel able to come to any definite conclusion on the subject.

I am, &c.,

G. H. MURRAY.

The Chairman,

Pacific Cable Board,

Queen Anne's Chambers, S.W.

Enclosure 2 in No. 264.

The Pacific Cable Board, Queen Anne's Chambers, S.W.,

18th May, 1910.

SIR,

I HAVE the honour to transmit to you herewith copy of a memorandum which the Pacific Cable Board have caused to be prepared on the subject of the laying of a cable between Australia and New Zealand, and, on behalf of the Board, I have to request that you will submit it to the Lords Commissioners of the Treasury for their early and favourable consideration.

The Pacific Cable Board have, for some time, been strongly impressed with the advantages that would result from this extension of their system. But, as explained in the memorandum, circumstances have now arisen which lead them to the conclusion that the work is not merely desirable, but has become essential to the successful development of their undertaking, and that any long delay in carrying it into execution must be attended by serious risk of loss to the revenue of the cable.

They are accordingly addressing the several Governments interested in the Pacific Cable with the object of obtaining from them the authority necessary to enable the Board to lay a cable direct from Sydney to Doubtless Bay, and I have to express the hope that the Lords Commissioners of His Majesty's Treasury may be pleased, on behalf of His Majesty's Government, to concur in the proposal that the work should be undertaken by the Board, under the joint authority of the Associated Governments, and that the cost of it should be met out of the funds invested on account of the Board's Renewal Fund.

I have, &c.,

H. W. PRIMROSE,

Chairman.

The Secretary,

His Majesty's Treasury, S.W.

MEMORANDUM ON THE QUESTION OF EXTENDING THE PACIFIC CABLE SYSTEM BY THE LAYING OF A CABLE BETWEEN AUSTRALIA AND NEW ZEALAND.

1. The laying of a cable between Australia and New Zealand would have several important advantages for the Pacific cable system. It would accelerate the Intercolonial service between the Commonwealth and the Dominion; it would practically duplicate the two branches of the cable between Norfolk Island and Queensland and between Norfolk Island and New Zealand; and it would render practicable very considerable economies in working expenses. These considerations would, at any time, afford strong arguments in favour of such an extension of the system; but during the past year features have developed themselves in connection with the Intercolonial traffic of so disquieting a nature that the question has become one of urgency, if the revenue of the Board is to be protected from risk of serious loss.

Intercolonial Traffic.

2. Telegraphic communication between Australia and New Zealand is maintained by two routes, that of the Pacific Cable and that of the Eastern Extension Company. The total value of the traffic to be divided between the two may be put at about £30,000 per annum, and of this the Pacific Cable has succeeded, up to a year ago, in securing about £20,000 per annum. As this represents nearly 20 per

cent. of the Board's total revenue, it is of great importance that no risk should be run of a loss of receipts under this head.

3. In its competition with the Company, the Board has the advantage of the Imperial sentiment which influences the communities of the two countries in favour of an enterprise that had its origin in the desire to promote a closer union between the several States of the Empire; and it is no doubt due in great measure to this sentiment that so large a proportion of the total traffic has hitherto fallen to the Pacific Cable. But it would be presuming upon it too far to rely upon it to counteract in the long run the inducements to make use of the alternative route, if experience should show that the Company could offer a more uniformly speedy and reliable service.

4. That there is reason to fear such a contingency is certain. For in all material respects the Eastern Extension route has an advantage over that of the Pacific Cable. It has two cables running direct between Australia and New Zealand. On the Australian side these cables land within 12 miles of Sydney, and are connected with the Sydney Post Office by special wires, laid, for part of the distance, underground; while on the New Zealand side they land at a central point of the Dominion, which brings them at once into close touch with the important business centres of Wellington, Christchurch, and Dunedin. Thus the overland portions of the route are of insignificant extent, and their practical immunity from risk of injury gives to the route as a whole a very large measure of security against interruption. The Pacific Cable route, on the other hand, has but a single and somewhat circuitous line of cable via Norfolk Island, and at either end it has considerable stretches of land line. That between Sydney and Southport at the Australian end is 700 miles long, and on it disturbances and delays are a constant source of trouble and anxiety. The Board has persistently pressed upon the Commonwealth Government the urgent necessity for improvement in the equipment of this section of the system, and some measures of amelioration have been introduced and others promised, but not yet effected. But whatever may be done in the way of improvement, it will never be possible to obviate altogether those temporary interruptions and disturbances to which all long land lines are subject, and there is no question but that the only way in which the Pacific Cable route can be put on an equality in material respects with the Company's route is by the laying of a direct Board's cable between Australia and New Zealand.

5. That the carrying out of this measure ought not to be delayed seems to be clearly indicated by the present condition of things in regard to the Intercolonial traffic, for during the past year there has been a marked and continuous decline in the proportion secured by the Pacific Cable of the ordinary public traffic, as will be seen from the following figures. (The Government and Press traffic may be left out of account because, owing to its connection with the States, the Pacific Cable obtains practically the whole of the Government business, while, owing to subsisting arrangements made by the Australian Press, the bulk of the Press messages are carried by the Eastern Extension cables.)

	Per cent
1907-8	77.63
1908-9	74.14
April, 1909, to December, 1909	73.75

6. These figures are in themselves sufficient to cause disquietude; but they become alarming when it is found on inquiry, as it has been, that the only cause that can be assigned for the diminished share of business is a growing feeling that the service by the Eastern Extension route is quicker and more trustworthy than that by the Pacific Cable. This conclusion seems to be confirmed by the fact that during the past year the Board's proportion of *International* traffic has increased. It is evident that if an impression unfavourable to the Pacific Cable route should become general, what the Board might have to face would be not merely a diminution in the amount, but almost a total loss, of its Intercolonial business, and it, therefore, seems justifiable to hold that no time should be lost in taking the one course that can alone effectually guard against that danger.

Duplication of Cable.

7. The Pacific Cable divides at Norfolk Island into two branches, of which the one runs to Australia and the other to New Zealand. A direct cable from Australia

to New Zealand would complete the triangle, Norfolk Island, Australia, and New Zealand, and this would, in effect, duplicate the lines between Norfolk Island and Australia and between Norfolk Island and New Zealand, as, in the event of interruption to either, messages could be transmitted by the other and carried on over the new direct cable to Australia or to New Zealand, as the case may be. The advantage of this is obvious, and only recently has been illustrated by experience. In March last an injury occurred to the cable a few miles from the New Zealand coast, and communication was entirely interrupted for three days. During that time the Board's traffic with New Zealand had all to be handed at Sydney to the Extension Company, and the whole of Reuter's international traffic to and from New Zealand, as well as that of other important customers, and all Intercolonial traffic was lost to the Board. Had the proposed cable been laid, it would have entirely obviated this loss of traffic and of prestige. Similar interruptions are, it is feared, not unlikely to recur from time to time, as it has been found that, for some distance from the New Zealand coast, the bottom is very rocky and uneven, and in consequence the cable is subject to considerable risk of chafing.

Economies in Working.

8. If a direct cable were laid between Australia and New Zealand, it would enable arrangements to be made for the transmission of international traffic that would be at once more efficient and more economical than those at present in use. Under normal conditions, the whole of such traffic (as well as the Intercolonial traffic) would be forwarded from and to Sydney via New Zealand—with the result that the risks of the long land line between Sydney and Southport would be avoided and that great reductions could be made in the staffs at Southport and Norfolk Island. Doubtless Bay would work direct to Suva through a cable relay at Norfolk Island, where only two or three officers would then be required, while Southport would be kept up chiefly as a training establishment, and not used at all as a transmitting station except for Queensland traffic, and also when an interruption should occur between New Zealand and Norfolk Island. The saving in cost of establishment that would result is estimated at £6,000 per annum.

Cost of Proposed Cable.

9. An estimate has been obtained from Messrs. Clark, Forde, & Taylor of the cost of a cable between Sydney and Doubtless Bay, and, allowing for all contingencies, it seems safe to say that the total cost of a cable of adequate capacity, including laying of the cable and all necessary connections, would not exceed £155,000. The actual cost would be more or less according to the route taken, and to the types of cable required by the conformation of the ground; and these cannot be accurately determined until a proper survey has been specially made. But there is every reason for thinking that the figure of £155,000 would not be exceeded.

Provision of Funds.

10. The raising of fresh capital to pay for the cable would not be necessary if the Board could be authorised to employ in the service moneys now standing to the credit of the Renewal Fund. In view of the fact that the laying of the cable would be equivalent to a duplication of the two branches of the cable to the South of Norfolk Island, it seems to the Board that such an application of the Renewal Fund would be thoroughly justifiable, and as the original cost of those portions of the cable was £196,721, it would be an economical way of providing an alternative to them. The total of the Renewal Fund now stands at £250,000, and the amount carried yearly to its credit is £30,000, so that a substantial margin to meet contingencies would be left after paying for the cable.

11. A difficulty, however, presents itself in consequence of the limited powers conferred on the Board by existing Statutes. The Board took the opinion of Sir Robert Finlay on the question whether it would be within their powers to apply a portion of the Renewal Fund to the laying or purchasing of a cable between Australia and New Zealand, and he advised as follows:

"The Board is not empowered to lay the proposed new cable. The Pacific Cable Act, 1901 defines the Pacific cable, with which the Act deals, as being a submarine cable from Vancouver to Norfolk Island and thence to New Zealand and Queensland. It is clear that the Board are authorized by this

Act to deal only with the line of communication via Norfolk Island to Australia and New Zealand. For the laying or purchase of other cables, further statutory power would be required."

12. It seems clear, therefore, that the Board requires further authority before it could use the Renewal Fund for the purpose in view. But it does not necessarily follow that such further authority must be statutory, and the Board venture to think that, as in the case of the Canadian land lines, it would be sufficient if authority were given them by the several Governments interested in the Pacific cable to carry out the suggested extension of the system.

Enclosure 3 in No. 264.

SIR, Treasury Chambers, 14 June, 1910.
THE Lords Commissioners of His Majesty's Treasury have considered your letter of the 18th ultimo, and the memorandum therewith enclosed, on the subject of the laying of a direct cable between Australia and New Zealand, the cost of which your Board proposes to meet out of the Renewal Fund.

Their Lordships direct me to say that, while being favourable disposed to the idea of laying such a cable in the circumstances stated, they do not think that the scheme is one to which they could properly consent on behalf of His Majesty's Government in the absence of statutory authority. If, however, the replies of the other contributing Governments when received are all favourable to the project of a cable, their Lordships will be ready to consider the question of obtaining the necessary legislation.

I am, &c.,
G. H. MURRAY.

The Chairman,
Pacific Cable Board,
Queen Anne's Chambers, S.W.

35452

No. 265.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND THE GOVERNOR.

[Copy to Treasury and Pacific Cable Board, 29 November, 1910. L.F.]

[Answered by Nos. 282 and 285.]

(Australia. No. 456.)
(New Zealand. No. 274.)

MY LORD, Downing Street, 25 November, 1910.
[To Australia: With reference to my despatch, No. 394, of the 14th October*].
[To New Zealand: With reference to my despatches, No. 247 of the 21st October and No. 261 of the 9th November†], I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, the accompanying copy of a letter‡ which has been addressed by the Lords Commissioners of the Treasury to the Chairman of the Pacific Cable Board on the subject of the proposed extension of the Pacific cable by the laying of a cable between Australia and New Zealand.

2. I shall be glad to receive an early reply, intimating the intentions of your Government with regard to the limitation (if any) of the use of the wireless telegraphic system which it is proposed to establish between the Commonwealth and New Zealand, and the views of your Government as to the possible effect of such a system on the Intercolonial traffic of the Pacific cable.

I have, &c.,
L. HARCOURT.

* No. 260.

† Nos. 261 and 263.

‡ Enclosure 1 in No. 264.

35452

No. 266.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
(No. 868.)

MY LORD,

Downing Street, 25 November, 1910.

WITH reference to my despatch, No. 776, of the 21st October,* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch† which I have addressed to the Governor-General of the Commonwealth of Australia and the Governor of New Zealand with regard to the proposed construction of a new cable between Australia and New Zealand by the Pacific Cable Board, together with copy of the letter enclosed therein.

I have, &c.,
L. HARCOURT.

34793

No. 267.

COLONIAL OFFICE to GENERAL POST OFFICE.

[See Enclosures in Nos. 271 and 277.]

SIR,

Downing Street, 6 December, 1910.

WITH reference to your letter of the 3rd October,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Postmaster-General, the accompanying extract from a telegram from the Governor of New Zealand containing the text of four resolutions which the New Zealand Government desire to submit to the Imperial Conference on the subject of telegraphic communication.

2. Mr. Harcourt would be glad to receive any remarks which the Postmaster-General may have to offer on these Resolutions in the form of Memoranda which can be communicated to the Dominion Ministers in time to reach them before they leave for this country in April next.

3. I am, at the same time, to enclose copy of a New Zealand Parliamentary Paper, F. 8.§ containing correspondence relating to telegraph cables and wireless telegraphy, together with copy of correspondence|| with the Governor of New Zealand as noted in the margin.

I am, &c.,
C. P. LUCAS.

Enclosure in No. 267.

"(6.) State-owned Atlantic cable:—

That in order to secure a measure of unity in the cable and telegraph services within the Empire, the scheme of telegraph cables be extended by the laying of a cable from England to Canada, and that the powers of the Pacific Cable Board be extended in order to enable the Board to lay and control such cable.

(7.) State-owned telegraph lines across Canada:—

That in order to facilitate the handling of the traffic, and to secure entire control of the route in which it is engaged, the powers of the Pacific Cable Board be extended to enable the Board to erect a land line across Canada.

(8.) Cheapening of cable rates:—

That in view of the social and commercial advantages which will result from increased facilities for intercommunication between her dependencies and Great Britain, it is desirable that all possible means be taken to secure a reduction of cable rates throughout the Empire.

(9.) Development of telegraphic communications within the Empire:—

That the great importance of wireless telegraphy for social, commercial, and defensive purposes renders it desirable that the scheme of wireless telegraphy

* No. 261.

† No. 265.

‡ 30459: not printed.

§ In 34350: not reprinted.

|| Nos. 261, 262, and 263.

approved at the Conference held at Melbourne during December, 1909, be extended, as far as practicable, throughout the Empire, with the ultimate object of establishing a chain of British State-owned wireless telegraph stations, which, in case of emergency, would enable the Empire to be to a large extent independent of submarine cables."

39646

No. 268.

COLONIAL OFFICE to GENERAL POST OFFICE.

[See Enclosure in No. 277.]

SIR, Downing Street, 4 January, 1911.
WITH reference to the letter from this Office of the 23rd December,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Postmaster-General, the accompanying extract from a telegram from the Governor-General of the Commonwealth of Australia giving the text of a resolution to be moved by his Government at the Imperial Conference of 1911.

I am, &c.,
C. P. LUCAS.

Enclosure in No. 268.

"Nationalization of the Atlantic Cable.—That this Conference strongly recommends the nationalization of the Atlantic cable in order to cheapen and render more effective telegraphic communication between Great Britain, Canada, Australia, and New Zealand by thus acquiring complete control of all the telegraphic and cable lines along the 'all-red route.'"

2161

No. 269.

COLONIAL OFFICE to GENERAL POST OFFICE.

[Answered by No. 270.]

SIR, Downing Street, 27 January, 1911.
WITH reference to the letter from this Office of the 23rd December,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Postmaster-General, the accompanying extract from a telegram from the Governor-General of the Union of South Africa giving the text of a resolution as to postal communication to be moved by his Government at the Imperial Conference.

2. The terms of the resolution are so general that it does not appear to Mr. Harcourt to be possible to deal with it by means of a memorandum for circulation to members of the Conference. The various concrete proposals relating to postal and telegraph communication are already being dealt with in memoranda now being prepared by the General Post Office for submission to the Conference, and it will probably be sufficient to await the development of the views of the South African Government on the resolution now forwarded at the Conference itself.

I am, however, to take this opportunity of stating that Mr. Harcourt will be much obliged if the General Post Office memoranda can be forwarded to this Department as soon as possible for communication to the Governments of the Dominions.

I am, &c.,
H. W. JUST.

Enclosure in No. 269.

"2(b) That concerted action be taken by all Governments of the Empire to promote postal communications between Great Britain and the overseas Dominions."

* No. 47.

5049

No. 270.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 16 February, 1911.)

SIR, General Post Office, London, 15 February, 1911.
WITH reference to your letter of the 27th ultimo, No. 2161/1911,* transmitting the text of a resolution as to postal communication proposed to be moved by the Government of South Africa at the Imperial Conference, I am directed by the Postmaster-General to acquaint you, for the information of the Secretary of State for the Colonies, that he concurs in thinking it unnecessary, in view of the general terms of the resolution, to deal with it by means of a memorandum for circulation to members of the Conference.

The subject of the interchange of Civil Servants was dealt with in my letter to you of the 6th instant,† and memoranda on other subjects in which this Office is concerned will be furnished without delay.

I am, &c.,
MATTHEW NATHAN.

6327

No. 271.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 94.)

MY LORD, Downing Street, 24 February, 1911.
WITH reference to my despatch, No. 25, of the 20th of January,‡ regarding the agenda for the Imperial Conference, I have the honour to transmit to you, to be laid before your Ministers, copies of memoranda prepared by the General Post Office respecting the resolution to be moved by the Government of New Zealand respecting the cheapening of cable rates and the provision of a State-owned line across Canada.

2. These memoranda will form a convenient basis for the discussion at the Conference.

I have, &c.,
L. HARCOURT.

Enclosure 1 in No. 271.

MEMORANDUM BY THE GENERAL POST OFFICE.

CHEAPENING OF CABLE RATES.

Resolution of Government of New Zealand:—

"That in view of the social and commercial advantages which would result from increased facilities for inter-communication between her dependencies and Great Britain, it is desirable that all possible means be taken to secure a reduction in cable rates throughout the Empire."

1. The Postmaster-General is in entire sympathy with this resolution. It is eminently desirable that the rates for cable communication throughout the Empire should, in the interests of commercial and social intercourse and of the dissemination of news, be as low as is consistent with the adequate maintenance and the financial stability of the system.

2. Among the various methods which have from time to time been advocated for the purpose of bringing about a reduction of rates, the most prominent have been the acquisition of the cable system by the State, competition by the agency of State-owned cables, cables of new companies, land lines, and wireless telegraphy.

* No. 269.

† No. 320.

‡ No. 6 in [Cd. 5513].

The policy of purchase by the State has never been seriously urged. It would be a financial transaction of great magnitude and doubtful profit. It is not likely that the service would be improved under State management. The State would be exposed to urgent demands for the adoption of an unremunerative tariff, which it might be difficult to resist. The State could not purchase the cables landed on foreign territory which serve as links in the great lines of commercial communication, or as valuable feeders for the main system. Moreover, wireless telegraphy is making advances which, at the best, would make it a somewhat hazardous speculation to embark a large amount of capital on a submarine cable system.

Neither can competition by State-owned cables be recommended. Such a measure is open to the same objections as State purchase, while it would in certain cases have the disadvantage of weakening lines which it is important on national grounds to maintain in a sound position.

Competition by new companies which would be formed if rates were excessive would tend to bring these rates to a natural level. But there is no prospect of such companies coming forward under present conditions. The support of new companies by subsidies would involve Government competition in another form. Such competition has arisen in recent years through the successful efforts of foreign countries to provide through the State, or by means of State support, new lines of cable independent of British territory; but this is merely an unimixed disadvantage to British cable interests.

Competition by land lines could only apply to a small portion of the Empire; and the encouragement of a competitive tariff by this agency would tend to transfer the traffic from Imperial lines to the territory of foreign Powers.

Competition by wireless telegraphy may one day materially modify the existing situation; and the resolution of the New Zealand Government in favour of the establishment of a State-owned chain of wireless telegraph stations is receiving the consideration which its great importance and far-reaching issues demand. But, in the only case in which a long distance shore-to-shore service has actually been established (that of the Marconi Company's service between Ireland and Canada) it has not as yet proved itself a serious competitor with the cable companies for ordinary commercial communication.

3. Assuming that the existing cable system must virtually be dealt with as it stands, the most suitable method of ensuring a moderate tariff is regulation by the Government.

The most effective weapon which the State possesses for this purpose is the right of attaching conditions to the grant of landing rights.

The following resolution of the Cape Government, which was adopted at the Conference of 1907:—

"That landing licences should not operate for a longer period than 20 years, and that when subsidies are agreed to be paid, they should be arranged on the standing revenue principle—*i.e.*, half the receipts, after a fixed gross revenue has been earned, to be utilised for the extinguishment of the subsidy and, by agreement, for the reduction of the rates";

recognises the importance of this right of the State by providing that grants of landing rights should not be for a period of more than 20 years, and recommends the adoption of an arrangement for the reduction of rates on a sliding scale which is based, not on competition, but on regulation.

Once the State has granted the requisite landing rights, its power of control under the present form of licence would be exhausted until the Company are under the necessity of obtaining a renewal.

The Postmaster-General now proposes that, so far as practicable, advantage should be taken of the opportunity of applications for the grant or renewal of landing rights in the United Kingdom for cables serving the purposes of Imperial communication to impose a measure of Government control over the companies' rates. The proposal is that whenever such a course appears necessary the rates should be fixed by the Government at whatever amount is found to be reasonable with reference to the company's receipts and necessary expenditure, and that, in the event of difference, the matter should be referred to arbitration.

4. The control of rates will apply to the future rather than to the present; and the Postmaster-General is not in a position to say what rates might be imposed when the desired power of control has been secured.

On the last occasion on which the question of telegraph rates formed the subject of an enquiry, the Inter-Departmental Committee on Cable Communications, which sat under the presidency of Lord Balfour of Burleigh in 1901, reported that they were not prepared to say that the rates then in existence (with one or two minor exceptions) were excessive; and since that date a good many of these rates (including the exceptional rates in question) have been further reduced, while those persons who make use of codes have been enabled to effect a large saving owing to the grant by the International Telegraph Conference of London in 1903 of the privilege of making up artificial words.

While the rates charged for ordinary commercial telegrams in code may be capable of further reduction, it must be recognised that, owing to the great power of compression afforded by the present very liberal code regulations, the rates fixed by the tariff are very largely reduced when regard is had to the number of words of which the meaning is actually conveyed. On the other hand, there are large sections of the community who are compelled, owing to the circumstances in which their telegrams are necessarily sent, to use plain language, and who are therefore practically debarred from deriving any benefit from arrangements which are intended in theory to be open equally to all users of the International Telegraph System. These considerations led the Postmaster-General to associate himself with a scheme suggested some time ago by the Postmaster-General of the Commonwealth of Australia, supported by the Prime Minister of New Zealand and the Postmaster-General of Canada, and elaborated by the Pacific Cable Board, for the introduction of a reduced rate for telegrams in plain language, on the condition that telegrams accepted at the reduced rate will be liable to be deferred in favour of telegrams paid for at the ordinary tariff. The object of the scheme is to recognise the equitable claims of the sections of the public on whom the high charge for the cable service presses with some severity, and, in doing so, to encourage them to make a more extensive use of the telegraph. The scheme has been actively pursued by the Postmaster-General, and has met with the approval of the principal cable companies, and it is now forming the subject of negotiations with certain of the Government Administrations concerned. The Postmaster-General hopes that these negotiations will soon be brought to a successful issue, so that what he regards as a valuable reform may shortly be introduced.

Apart altogether from the rates which it might be proper to charge for ordinary or deferred (plain language) telegrams, the Postmaster-General thinks that in the public interest the cable companies might well be pressed to concede further substantial reductions in the rates for press telegrams, and he proposes to use his influence in this direction as soon as it is possible to do so without jeopardising the success of the other negotiations.

General Post Office,
24 February, 1911.

—Enclosure 2 in No. 271.

MEMORANDUM BY THE GENERAL POST OFFICE.
STATE-OWNED TELEGRAPH LINE ACROSS CANADA.

"That in order to facilitate the handling of the traffic and to secure entire control over the route in which it is engaged, the powers of the Pacific Cable Board be extended to enable the Board to work a land line across Canada."

The proposal for the construction of a telegraph line across Canada is put forward in connection with the proposal for the provision of a State-owned cable across the Atlantic; and it may be that it is regarded as dependent on the decision to be arrived at with regard to that provision.

The Postmaster-General understands that the arrangement under which the Pacific Cable Board have taken a lease of a line between Montreal and the Pacific coast has enabled them to effect a marked improvement in working on the section on which such improvement was required.

If the Pacific Cable Board are dissatisfied with the working of the companies which provide communication between Montreal and the Atlantic coast, a remedy might be found in a similar lease of a private wire over that section.

The provision of a State-owned line across Canada would necessitate a heavy outlay; and, in the absence of a working arrangement with one or other of the companies controlling the land lines in Canada, reliance on a single line would expose the service to the risk of dislocation in the case of interruption.

General Post Office,
24 February, 1911.

J152

No. 272.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 5.10 p.m., 27th February, 1911.)

TELEGRAM.

My telegram 9th February.* Postmaster-General now desires to submit following resolution:—

That it is desirable to complete the Imperial Postal Order scheme by its extension to Australia and its full adoption by Canada, so that the British Postal Order shall be obtainable and payable in all parts of the Empire and thus afford a ready and economical means of remitting small sums, not only between the United Kingdom and other parts of the Empire, but between each part and every other.

—HARCOURT.

6152

No. 273.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 5.50 p.m., 28th February, 1911.)

TELEGRAM.

With reference to my telegram of 27th February,† memorandum on resolution will be circulated as soon as possible.—HARCOURT.

6846

No. 274.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 2 March, 1911.)

[Answered by L.F. transmitting copies of Nos. 278 to 280.]

SIR, General Post Office, London, 1 March, 1911.

FOLLOWING upon a suggestion made in the letter from this Office of the 12th of December last,‡ the subject of a uniform design for the postage stamps of the Empire has been placed on the provisional agenda of the Imperial Conference of 1911.

I am directed by the Postmaster-General to say, for the information of the Secretary of State, that, before the Conference meets, the arrangements for printing the new George V. stamps will be completed; and in these circumstances the only proposal which Mr. Samuel could well support would be one for the general adoption of the distinguishing features of the new British stamps.

As the attached memorandum shows, there are, however, some practical objections to the scheme. These practical difficulties are referred to in communications from the High Commissioners for Canada, Australia, and South Africa, to whom enquiries on the subject were recently addressed.

* No. 63.

† No. 272.

‡ No. 42.

In the circumstances, the Postmaster-General considers that the proposed resolution should be withdrawn.

The question of a uniform colour scheme is hardly of importance enough to make it a subject for discussion at the Conference.

I am, &c.,
MATTHEW NATHAN.

Enclosure in No. 274.

MEMORANDUM ON UNIFORM POSTAGE STAMPS FOR THE EMPIRE.

A uniform colour scheme was introduced in 1908, and has been adopted either wholly or partly by a number of the Crown Colonies.

The High Commissioners for Canada, South Africa, Australia, and New Zealand were asked in June last whether their Governments would like to consider a scheme for the adoption of uniform colours or designs, or both, for the stamps of the Empire. The replies from Australia and South Africa were favourable to a uniform colour scheme, but regarded a uniform design as impracticable in view of the necessity of keeping the stamps distinctive for each postal administration. For the same reasons Canada considered the scheme impracticable both as regards design and colour.

Meanwhile the design of the new George V. stamps has been settled for the United Kingdom, and the arrangements for printing the stamps will be completed before the Conference meets. Apart from the practical difficulties in the way of a uniform design already mentioned, and other considerations, there would not be sufficient justification for incurring the heavy expense of new dies and plates merely for the sake of securing uniformity with other stamps of the Empire; and until occasion arises for a new series of stamps the only scheme which could be supported would be one for a design the distinguishing features of which would be uniform with that of the new stamps of the United Kingdom. One design for the King's head has been adopted for all the stamps of the new issue; but it is doubtful whether, if the same design of the King's head for the centre of the stamp were adopted throughout the Empire, there would be sufficient scope in the remaining part of the design—the frame and lettering—for the stamps of each Administration to be made thoroughly distinctive.

The colour scheme of the new issue of stamps in the United Kingdom has been provisionally settled; and any change soon after the issue of a new series of stamps is undesirable. It would be of advantage, however, to have a uniform colour scheme for stamps of the Empire, and there appears to be a good prospect of arranging such a scheme; but the many considerations of detail which enter into the matter make it one scarcely suitable for discussion at the Imperial Conference.

6152

No. 275.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 142.)	(New Zealand. No. 73.)
(Australia. No. 99.)	(Newfoundland. No. 33.)
(South Africa. No. 104.)	

MY LORD,

Downing Street, 2 March, 1911.

SIR,

WITH reference to my telegram of the 27th February,* I have the honour to transmit, for the information of Your Excellency's Ministers, a copy of a memorandum by the General Post Office on the extension of the Imperial Postal Order system.

I have, &c.,
L. HARCOURT.

* No. 272.

MEMORANDUM BY THE GENERAL POST OFFICE ON IMPERIAL POSTAL ORDER SCHEME.

That it is desirable to complete the Imperial Postal Order Scheme by its extension to Australia and its full adoption by Canada, so that the British Postal Order shall be obtainable and payable in all parts of the Empire and thus afford a ready and economical means of remitting small sums not only between the United Kingdom and other parts of the Empire, but between each part and every other.

The adherence of Australia to the Imperial Postal Order Scheme and its complete acceptance by Canada, which pays the Imperial orders at some large offices but does not issue them, are alone wanting to fulfil the idea of an order obtainable and payable in any part of the British Empire. The British postal order was adopted for this purpose

- (a) because it was fairly well known throughout the world;
- (b) because the special and costly arrangements for printing it rendered imitation exceedingly difficult; and
- (c) because the British Post Office with an enormous local issue of these orders had an effective system of audit in working order ready for application to the Imperial Service.

2. The possibility of setting up a reciprocal exchange of local issues of postal notes was carefully considered and abandoned on account of its inherent difficulties. It was recognised, in the first place, that the cashing of Colonial postal notes elsewhere than in the country of issue would involve the acceptance of different patterns (at that time twenty-two in number) at all offices in this country participating in the scheme (over 20,000 in number), and would much increase the risk of forgery. If the scheme is to afford complete communication throughout the Empire, either one postal order must be sold and paid throughout the dominions of the Crown, or the local orders issued in some Colonies must be paid at all the offices which sell the Imperial postal order. This would, in practice, mean that postmasters would have to cash any document which purported to be a postal order. Even if the payment of local orders were confined to those of two or three of the larger dependencies, the risk of forgery, though reduced, would still remain a serious one. Moreover, this would appear to those Colonies which adhered to the scheme in its entirety to be an abandonment of the Imperial ideal, in furtherance of which some of them, like those which make up the Union of South Africa, have even abolished their own postal notes.

3. The acceptance in the United Kingdom of the postal orders of any particular country—such as Canada—would be of advantage only to persons in the United Kingdom and Canada, while the complete adhesion of that Dominion to the Imperial Postal Order Scheme would also provide without further machinery a simple and convenient means of remitting small sums of money directly between Canada on the one hand, and on the other hand, practically the whole of the Empire, as well as Egypt, including some places with which Canada does not at present maintain a direct money order service.

That such facilities would be appreciated may be inferred from the fact that British postal orders are now used to an appreciable extent for the remittance of small sums to Canada from numerous other countries included in the Imperial Scheme, particularly from India and South Africa. The usefulness of British postal orders for this purpose is, however, at present impaired by two serious restrictions imposed by the Dominion Government which do not apply in the other countries participating in the service:—

- (a) the orders are not payable even at every large post office in Canada, but only at twenty-two city offices; and
- (b) stamps affixed by the senders to the orders in extension of their value are not recognised in Canada.

4. If the British Post Office agreed to pay the postal notes of any British Colony, any hope of completing the Imperial Postal Order Scheme would have to be abandoned. Indeed it would be reasonable to anticipate applications from other Colonies which at present issue the Imperial orders without demur for equally favourable treatment of their local postal notes—applications which it would be difficult to resist. In some cases refusal might lead to an abrupt termination of the Imperial arrangement, while, on the other hand, acquiescence would undermine it. The

uniformity and universality of the Imperial Postal Order Scheme, which are its essential features, would be effectually destroyed.

5. The principal objections raised in Canada and Australia to the Imperial Scheme appear to be

- (a) the complication caused by the necessity for handling two different stocks of postal orders or notes at Colonial post offices;
- (b) the administrative and accounting difficulties that would arise between headquarters and the postmasters on account of the extent of the territory covered;
- (c) the difficulty of answering questions in connection with the payment of orders on account of the fact that the paid orders are filed in London;
- (d) The financial loss which the Colonial post offices would suffer through the diminution of the money order business with other parts of the Empire which would result from the establishment of the system.

The Canadian Post Office bases its opposition to the scheme on all four of these objections, while the Australian Post Office appears to be guided almost entirely by the last.

6. It may be urged in reply as regards (a), that separate local issues are maintained in addition to the Imperial orders by the Post Offices of Ceylon, Hong Kong, Malta, Newfoundland, New Zealand, Southern Rhodesia, Straits Settlements, and some of the West Indian Colonies, without, so far as is known, any serious difficulty in consequence of the duplication of systems.

As regards (b), the administrative and accounting difficulties seem to be successfully met in the case of India, which, besides the difficulty of communication over a large area and the difference of currency, has to contend with the additional disadvantage of a staff of Asiatics and numerous different languages.

As regards (c), experience has shown that in practice little or no trouble is caused by the fact that the orders are filed in London.

As regards (d), it should be borne in mind that the Imperial Postal Order Scheme is intended to be—and is, in fact—self-supporting. There would, accordingly, be no actual loss on the business transferred from the Money Order Service to the Imperial Postal Order Service, and there would only be a sacrifice of revenue in so far as the profit on a money order transaction in Canada or Australia is greater than the profit on an Imperial postal order transaction. This Department is not in a position to estimate the extent of this possible sacrifice of revenue, but it could hardly be very great, and might easily be merely nominal, since the money order transactions principally affected would be those for small amounts, which are the least profitable. In urging this objection the Canadian and Australian Post Offices appear to have overlooked the fact that the diminution of the commission on money order business would be accompanied by a corresponding diminution of work.

7. The annexed appendix, containing extracts from the Annual Reports of the New Zealand Post Office for the years 1904 to 1909 and an extract from the Annual Report of the Postmaster-General of Cape Colony for the year 1908, is of interest in this connection. In the case of New Zealand it is to be observed that the withdrawal of the regulation prohibiting the issue of British postal orders amounting to £1 in value to one person on any one day for payment to the same payee (which was originally introduced as a means of safeguarding the money order revenue) was almost immediately followed by a reduction in the commission charged to the public, from which it may be inferred that the competition of the British postal order did not adversely affect the money order revenue, while in the case of the Cape Colony it is explicitly stated that the transfer of business from the local money order service to the Imperial postal order service resulted in no loss to the Colonial revenue.

In comparing the local conditions in Cape Colony with those which obtain in Australia, it is to be borne in mind that whereas the minimum charge in Cape Colony for a money order payable in the United Kingdom is 9d. (for a sum not exceeding £2), the minimum charge in Australia for a money order payable in the United Kingdom is only 6d. (for a sum not exceeding £1). The commission on money orders payable in the United Kingdom for sums not exceeding £1 being thus less in Australia than in Cape Colony, it may fairly be anticipated that since the adoption by Cape Colony of the Imperial Postal Order Scheme has not resulted in any actual loss of revenue, the adoption of the scheme by Australia would be attended by the same satisfactory results.

8. The conclusion, therefore, seems to be that the Imperial Postal Order Scheme is the only practical way of affording much-needed facilities for the remis-

sion of small sums from one part of the Empire to another, but united support on the part of all the Colonies is essential if full benefit is to be derived from it. The advantages which would result to Canada and Australia from its adoption seem far to outweigh the accompanying disadvantages, and by giving it their full support they would help to provide, at little or no cost to themselves, a real and useful means of binding the various portions of the Empire more closely together.

General Post Office,
7th February, 1911.

APPENDIX.

EXTRACTS from the Annual Reports of the New Zealand Post Office for the years 1904 to 1909.

1904.

"Our experience so far has been that there was a very trifling loss in the shape of commission; and that quite a new class of business was created in the remittance of small amounts—which would not have been sent by money orders, owing to the higher commission. The British postal order has been found to answer admirably the purpose for which it was introduced."

1905.

"The Imperial Postal Order Scheme has during the past year proved both its usefulness and the fact that it has met a public want."

1907.

"The amount for which British postal orders may be issued to any one person on any one day for payment to the same payee is now unlimited."

* * * * *

"The following reductions in the poundage on British postal orders sold in New Zealand are to be made from the 1st July, 1908:—

On orders of 2s. and 2s. 6d., from 2d. to 1d.
On orders of 11s. to 15s. (inclusive), from 3d. to 2d."

1908.

"The abolition of the limit of the amount for which British postal orders may be issued to any one person on any one day for payment to the same payee has appreciably increased the sales."

1909.

"There was an increase of 21·13 per cent. in the number of postal orders sold during the year, and 23·82 per cent. in the number paid.

"The increasing use of this method of remitting small sums to the various parts of the British Empire has more than justified its introduction."

EXTRACT from the Report of the Postmaster-General of the Cape of Good Hope for the year 1908.

Postal Orders.

"The sale of postal orders was extended to six sub-offices.

The issue of Cape Colony postal notes was discontinued on the 31st December, 1907, and the full range of British postal orders, 6d. to 21s. (forty-one values in all) substituted.

738,221 orders, of the value of £416,708, were issued, as compared with 477,367 orders, value £242,313 in 1907.

The number of orders paid was 687,907, value £374,352, as against 425,121, value £209,817, in the previous year.

£5,099 was earned in poundage, an increase of £601.

As showing the expansion of postal order business since the introduction of the full British series, it may be stated that postal orders issued during 1908 show an increase of 72 per cent. on the combined Cape Colony postal note and British postal order business for 1907, the actual figures being as follows:—

Cape Colony postal notes issued, 1907	£151,911
British postal orders issued, 1907	90,402
Total issues, 1907	£242,313
British postal orders issued, 1908	£416,708
Increase in 1908	£174,395

The average annual increase in the Cape Colony postal note business prior to the introduction of British postal orders was 12 per cent., but it is doubtful whether this rate of increase would have been maintained during the depression of the last two years. Whilst it is a fact that there was a considerable transfer of remittances under £2 from money orders to postal orders, this does not fully account for the remarkable growth of transactions in the latter, and it is fair to assume that the public find British orders of such convenience that new business has been created.

The general introduction in the South African Colonies of these British postal orders has relieved the public of the second commission payable upon every order from the adjoining territories cashed in Cape Colony; it has established a currency extending through South Africa as well as to the United Kingdom, and to a large number of British dependencies; and it has reduced most materially the cost of small remittances. Under the arrangement with the United Kingdom that country supplies the orders and audits those that are paid, receiving as its compensation the poundage charged on issue in England, while the Colonies receive a certain sum per thousand for all orders issued or paid, as well as the difference between the English poundage and that charged on local issue. These receipts added to the saving on supplies and in staff (in accounting and auditing) quite compensate the Cape Colony for whatever loss may be following on the transfer of business from money orders to postal orders, leaving the simplicity and other advantages to the public as clear gains on the change.

British postal orders are issued and paid in the undermentioned British Possessions and other places abroad:—

Aden.
Andaman Islands.
Ascension.
*Bahamas.
Baluchistan.
*Barbados.
Basutoland.
*Bechuanaland Protectorate.
*Bermuda.
*Beyrout (British Agency).
British Bechuanaland.
*British Central Africa.
*British East Africa.
*British Guiana.
*British Honduras.
Burma.
Bushire.
†Canada.
*Cape of Good Hope (Province of).
*Cayman Islands.
*Ceylon.
Chatham Islands.

* Postage stamps of these countries and British Agencies, when properly affixed to British postal orders by the senders, are paid up to the value of 5d. Postage stamps of British Agencies are not recognised for this purpose if the value has been over-printed in local currency (see Regulations regarding postage stamps affixed to postal orders).

† British postal orders are paid at certain offices in Canada, but are not issued in Canada.

- *Constantinople (British Agency).
- Cook Islands.
- *Cyprus.
- Egypt (including the Soudan)
- *Falkland Islands.
- Fanning Island.
- Federated Malay States.
- *Fiji.
- *Gambia.
- *Gibraltar.
- *Gold Coast.
- *Grenada.
- Hong Kong and British Agencies in China.
- *India and Indian post offices on the Persian Gulf and in Tibet.
- *Jamaica.
- Labuan
- *Leeward Islands:—
 - Anguilla.
 - *Antigua.
 - *Dominica.
 - *Montserrat.
 - *Nevis.
 - *St. Kitts.
 - *Virgin Islands.
- *Malta.
- Mauritius.
- *Morocco (British Agencies at Casablanca, Fez, Larache, Marrakesh, Mazagan, Mogador, Rabat, Saffi, Tangier, and Tetuan).
- *Natal (Province of).
- *Newfoundland.
- *New Zealand.
- *Nigeria (Northern).
- *Nigeria (Southern).
- *North Borneo (British).
- *Nyasaland (British Central Africa).
- *Orange Free State (Province of).
- *Panama (British agency).
- Penrhyn Island.
- *Rhodesia (North-Eastern).
- *Rhodesia (North-Western).
- *Rhodesia (Southern).
- St. Helena.
- *St. Lucia.
- *St. Vincent.
- *Salonica (British Agency)
- Sarawak.
- Savage Island.
- *Seychelles.
- *Sierra Leone.
- *Smyrna (British Agency).
- *Somaliland Protectorate.
- Straits Settlements.
- Swaziland.
- *Tobago.
- *Transvaal (Province of).
- *Trinidad.
- *Turks and Caicos Islands.
- *Uganda.
- *Zanzibar.

* Postage stamps of these countries and British Agencies, when properly affixed to British postal orders by the senders, are paid up to the value of 3d. Postage stamps of British Agencies are not recognised for this purpose if the value has been over-printed in local currency (see Regulations regarding postage stamps affixed to postal orders).

6327

No. 276.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to General Post Office, 6 March, 1911. L.F.]

(Canada. No. 143.)
(South Africa. No. 105.)

(New Zealand. No. 74.)
(Newfoundland. No. 39.)

MY LORD,
SIR,

Downing Street, 2 March, 1911.

WITH reference to my despatch, No. [38] [30] [17] [8], of the 20th of January,* forwarding the agenda for the Imperial Conference, I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, copies of memoranda† which have been prepared by the General Post Office on the subject of the resolutions to be moved at the Conference in favour of a State-owned Atlantic Cable, State-owned telegraph line across Canada, and the cheapening of cable rates.

2. These memoranda will, no doubt, serve as a convenient basis for discussion at the Conference.

3. I have to add that it is not yet possible to furnish a memorandum dealing with the resolution to be moved by the Government of New Zealand in favour of the construction of a chain of British State-owned wireless telegraph stations. It will, however, be seen from paragraph 2 of the memorandum on cheaper cable rates that this resolution is receiving the consideration which its great importance and far-reaching issues dictate.

I have, &c.,
L. HARCOURT.

6327

No. 277.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to General Post Office, 6 March, 1911. L.F.]

(No. 100.)

MY LORD,

Downing Street, 2 March, 1911.

WITH reference to my despatch, No. 94, of the 24th of February,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copies of a memorandum prepared by the General Post Office on the subject of the resolution to be moved at the Imperial Conference in favour of the provision of a State-owned cable across the Atlantic.

2. I take this opportunity of enclosing further printed copies of the memoranda which were forwarded in my despatch under reference.

3. I have to add that it is not yet possible to furnish a memorandum dealing with the resolution to be moved by the Government of New Zealand in favour of the construction of a chain of State-owned wireless telegraph stations. It will, however, be seen from paragraph 2 of the memorandum on cheaper cable rates that this resolution is receiving the consideration which its great importance and far-reaching issues dictate.

I have, &c.,
L. HARCOURT.

* No. 6 in [Cd. 5513].

† Enclosures in No. 271 and Enclosure in No. 277.

‡ No. 271.

Enclosure in No. 277.

MEMORANDUM BY THE GENERAL POST OFFICE.

STATE-OWNED ATLANTIC CABLE.

Resolution of New Zealand Government:—

"That, in order to secure a measure of unity in the Cable and Telegraph Service within the Empire, the scheme of telegraph cables be extended by the laying of a State-owned cable between England and Canada, and that the powers of the Pacific Cable Board be extended to enable the Board to lay and control such cable."

Resolution of the Australian Government:—

"That this Conference strongly recommends the nationalisation of the Atlantic cable in order to cheapen and render more effective telegraphic communication between Great Britain, Canada, Australia, and New Zealand by thus acquiring complete control of all the telegraphic and cable lines along the 'all-red' route."

1. There are the following objections to the provision of a State-owned cable across the Atlantic for Pacific cable traffic:—

(1) The traffic passing over the Atlantic to or from the Pacific cable (amounting roughly to about 1,000,000 words per annum) would not constitute a sufficient load to make it possible to work the cable otherwise than at a loss. If the cable is not fully employed any reduction in rates would increase the loss.

(2) It would not be possible to supplement this traffic by competing for Canadian or United States business, for the following reasons:—

(a) There would be no certainty of obtaining the use of connecting land lines, as the inland telegraphs in Canada, as well as in the United States, are in the hands of private companies in alliance with those cable companies with which the State-owned cable would be competing.

(b) It would not be practicable to make satisfactory arrangements with the competing cable companies for the handling of the traffic in the event of the interruption of the Government cable—a contingency to which cables in the North Atlantic are much exposed. It would therefore be necessary either to submit to unsatisfactory agreements or to lay two cables, thus adding greatly to the cost.

(c) As regards traffic from the United Kingdom, the Post Office is bound (under an agreement which dates from the time of the purchase of the inland telegraphs by the State in 1870) to hand to one of the cable companies all messages for North America which are handed in without indication of route by the sender.

(3) The possible development of wireless telegraphy in the future would make ownership of transatlantic cables a very speculative undertaking.

2. The objects of the proposal are to secure cheapness and efficiency.

The existing service does not give rise to complaints of inefficiency. Indeed the service is generally looked upon as efficient.

As regards cheapness—

(1) The British and American transatlantic cable companies have agreed, so far as they are concerned, to the proposal to charge half rates for deferred telegrams in plain language. (See Section 4 of the memorandum on the resolution relative to the cheapening of cable rates which is to be moved by the Government of New Zealand.)

(2) The Postmaster-General hopes that he may find the cable companies not unwilling to make a reduction in the rates for press telegrams.

(3) He hopes also that it will be found possible to impose Government control of the rates charged by those companies.

One of them, indeed, has already intimated its readiness to accept such control (see Section 3 of the above-mentioned memorandum on the resolution of the Government of New Zealand).

* Enclosure in No. 271.

There is accordingly a prospect of obtaining the end in view without the expenditure and the risk which the laying of the cable by the State would entail.

3. If it would be to the advantage of the Pacific Cable Board in the handling of their traffic to have direct control over a wire across the Atlantic it might be possible to secure the partial use of one of the existing cables for this traffic by an arrangement with a private company, and by such an arrangement also provide an alternative line in the event of interruption.

General Post Office,
24 February, 1911.

6846

No. 278.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL OF CANADA,
AUSTRALIA, AND SOUTH AFRICA, AND THE GOVERNORS OF NEW
ZEALAND AND NEWFOUNDLAND.

(Sent 2.20 p.m., 4th March, 1911.)

TELEGRAM.

[Copy to General Post Office, 16 March, 1911. L.F.]

[Answered by No. 279.]

My despatch 20th January,* agenda, Imperial Conference. His Majesty's Government will not propose resolution as to uniform design for postage stamps. Explanatory despatch† follows by mail.—HARCOURT.

7313

No. 279.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 7.25 a.m., 6th March, 1911.)

TELEGRAM.

[Copy to General Post Office, 16 March, 1911. L.F.]

[Answered by No. 280.]

Your telegram 4th March.‡ My Ministers beg me to advise you that they learn with satisfaction His Majesty's Government will not propose resolutions as to uniform design for postage stamps, as there is much in favour of individuality of separate portions of Empire being maintained.—ISLINGTON.

6846

No. 280.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNORS.

[Copy to General Post Office, 16 March, 1911. L.F.]

(Canada. No. 154.)

(New Zealand. No. 82.)

(Australia. No. 109.)

(Newfoundland. No. 45.)

(South Africa. No. 114.)

MY LORD,

Downing Street, 8 March, 1911.

SIR,

With reference to [your] [my] telegram of the [6th] [4th] of March,§ I have the honour to request that [Your Excellency] [you] will inform your Ministers that, in deciding to withdraw the proposed resolution as to a uniform design for postage

* No. 6 in [Cd. 5613].

† See No. 280.

‡ No. 278.

§ Nos. 278 and 279.

stamps, His Majesty's Government have been influenced by the following considerations:—

2. In June last enquiries were addressed to the High Commissioners for Canada, the Commonwealth of Australia, the Union of South Africa, and New Zealand with a view to ascertaining whether their Governments would desire to consider a scheme for the adoption of uniform colours or designs, or both, for the stamps of the Empire. The uniform colour scheme was considered favourably by the Commonwealth and the Union, but the proposal for a uniform design was held to be impracticable, in view of the necessity of having distinctive stamps for each postal Administration, while the Dominion of Canada considered this scheme impracticable both as regards design and colour.

3. In view of these replies it was considered necessary to proceed with the settling of the design for the new stamps for the United Kingdom; this design has now been fixed, and the arrangements for printing the stamps will be completed in the course of the next few weeks. In these circumstances the Postmaster-General is of opinion that there would not be justification for incurring the heavy expense of new dies and plates merely for the sake of securing uniformity with the other stamps of the Empire, and the only proposal he would, therefore, be able to submit would be one for the adoption by the Dominions of a design the distinguishing features of which would be uniform with that of the new stamps of the United Kingdom. It is, however, doubtful whether, if this new design of the King's head for the centre of the stamp were adopted throughout the Empire, there would be sufficient scope in the remaining part of the design—the frame and lettering—for stamps of each Administration to be made thoroughly distinctive.

4. It would, indeed, be advantageous to have a uniform colour scheme for the stamps of the Empire, but the many considerations of detail which enter into that question render it hardly suited for discussion at an Imperial Conference, and the Postmaster-General does not now propose to bring forward either the question of uniform colour or uniform design at the Conference.

I have, &c.,
L. HARCOURT.

4352

No. 281.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL and
GOVERNOR.

(Australia. No. 137.)
(New Zealand. No. 111.)

My LORD,

Downing Street, 22 March, 1911.

[(*To Australia*): With reference to my despatch, No. 13, of the 11th January last,*] I have the honour to request [your Excellency] [you] to inform your Ministers that His Majesty's Government have given the most careful consideration to the recommendations of the Radio-Telegraphic Conference which was held at Melbourne in December, 1909.

2. As at present advised, however, they can see no sufficient reason, either on strategic or on commercial grounds, for the erection of high-power stations at Suva and at Ocean Island, so as to give direct communication between those places by wireless telegraphy, and to connect Suva with high-power stations proposed to be erected in Australia and New Zealand.

3. I am considering with the High Commissioner for the Western Pacific the question of connecting Suva with Vila, Tulagi, and Ocean Island by a series of medium-power stations.

I have, &c.,
L. HARCOURT.

* 38647: not printed.

10524

No. 282.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1 April, 1911.)

[Answered by No. 286.]

(No. 22.)

Government House, Dominion of New Zealand,

Wellington, 24th February, 1911.

SIR,

With reference to your despatch, No. 274, of the 25th November, 1910,* on the subject of the proposed extension of the Pacific Cable by the laying of a cable between Australia and New Zealand, I have the honour to transmit to you copy of a memorandum from my Prime Minister regarding the limitations of the use of the wireless telegraphic system which it is proposed to establish between the Commonwealth and New Zealand.

I have, &c.,
ISLINGTON,
Governor.

Enclosure in No. 282.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Prime Minister's Office, Wellington, 15th February, 1911.

It is not intended to transmit commercial telegrams by the wireless system to be established between the Commonwealth of Australia and this Dominion, but to confine the service to messages from or to ships at sea and for defence purposes. The service will in no way compete with the existing cable systems.

J. G. WARD.

10524

No. 283.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[See No. 285.]

(Canada. No. 240.)
(Australia. No. 165.)

My LORD,

Downing Street, 7th April, 1911.

With reference to my despatch No. [868 of the 25th of November, last] [151 of the 31st of March],† I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch‡ from the Governor of New Zealand, enclosing a memorandum from his Prime Minister respecting the limitations intended by that Government to be placed upon the use of the wireless telegraphic system proposed to be established between the Commonwealth of Australia and New Zealand.

[2. *To Australia only*: I shall be glad to receive the views of your Ministers on the subject at their early convenience, as requested in my predecessor's despatch, No. 456, of 25th November last.*]

I have, &c.,
L. HARCOURT.

10524

No. 284.

COLONIAL OFFICE to TREASURY.

SIR,

Downing Street, 7th April, 1911.

With reference to your letter of the 18th of November last and the letter from this Department of the 29th of that month,§ I am directed by Mr. Secretary Harcourt to transmit to you for the information of the Lords Commissioners of the Treasury the accompanying copy of a despatch‡ from the Governor of New Zealand enclosing a memorandum from his Prime Minister respecting the limitations intended by that

* No. 265.

† No. 266, and 38452: not printed.

‡ No. 282.

§ No. 264 and L.F. transmitting copy of No. 265.

Government to be placed upon the use of the wireless telegraphic system proposed to be established between the Commonwealth of Australia and New Zealand.

2. I am to add that no reply has yet been received from the Governor-General of Australia on the subject, but Lord Dudley was reminded of the matter by last mail.

I am, &c.,
C. P. LUCAS.

13276

No. 285.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 24 April, 1911.)

(No. 44.)

Commonwealth of Australia, Governor-General's Office,

Melbourne, 10th March, 1911.

SIR,

REFERRING to your despatch, No. 456, dated 25th November last,* enquiring, in connection with the question of the extension of the Pacific cable by the laying of a cable between Australia and New Zealand, the intentions of the Government of the Commonwealth with regard to the limitation of the use of the wireless telegraphic system which it is proposed to establish between the Dominions mentioned, I have the honour to inform you that it is considered by the Commonwealth Government that the wireless installations now being arranged for in Australia and New Zealand should be utilised (a) for Defence purposes, (b) for communicating with ships, and (c) as a reserve in case of total interruption to submarine cable communication between the two countries.

I have, &c.,
DUDLEY,
Governor-General.

13276

No. 286.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL and GOVERNOR.

(Canada. No. 304.)

(New Zealand. No. 161.)

MY LORD,

Downing Street, 29 April, 1911.

WITH reference to [my despatch, No. 240, of the 7th instant] [your despatch, No. 22, of the 24th of February],† I have the honour to transmit to [your Excellency] [you], for the information of your Ministers, the accompanying copy of a despatch‡ from the Governor-General of the Commonwealth of Australia stating the purposes for which the Commonwealth Government consider that the wireless telegraphic system proposed to be established between Australia and New Zealand should be utilised.

I have, &c.,
L. HARCOURT.

13276

No. 287.

COLONIAL OFFICE TO TREASURY.

SIR,

Downing Street, 29 April, 1911.

WITH reference to the letter from this Department of the 7th instant,§ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Lords Commissioners of the Treasury, the accompanying copy of a despatch‡ from the Governor-General of the Commonwealth of Australia stating the purposes for which the Commonwealth Government consider that the wireless telegraphic system proposed to be established between Australia and New Zealand should be utilised.

I am, &c.,
H. W. JUST.

* No. 265.

† Nos. 283 and 282.

‡ No. 285.

§ No. 284.

12.

(Resolution XIX.) : Naturalization.

3667

No. 288.

AUSTRALIA.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5 February, 1910.)

[Copy to Home Office, April 25, 1910.]

[Answered by No. 289.]

(No. 301.)

Commonwealth of Australia.

MY LORD,

Governor-General's Office, Melbourne, 24th December, 1909.

REFERRING to your Lordship's despatch, No. 386, dated the 9th November, 1908,* I have the honour to inform you that the Government of the Commonwealth have given careful consideration to the report of the Inter-Departmental Naturalization Committee, and to the proposal for a Conference to discuss the terms of the draft Bill. If that Conference is thought necessary, Ministers will arrange to be represented thereat, probably by the High Commissioner.

2. At the outset I may inform your Lordship that the Commonwealth Government are strongly in favour of the principle of Imperial naturalization, and have endeavoured to meet difficulties in the way which are not entirely solved by the proposals of the Committee. They appreciate the value of the suggestions made, which render the proposed measure in its present form a great improvement on that submitted to the Imperial Conference of 1907.

3. The Prime Minister informs me that, in the consideration of the measure, the first real difficulty met with, and perhaps the most important, is concerned with Clause 9, which provides for the grant to a naturalized person of the full rights and privileges, duties and liabilities, of natural-born British subjects. The Commonwealth Government are not fully aware of the provisions of the laws of other parts of the Empire, but would specially invite attention to Sections 16 and 34 of the Constitution of the Commonwealth and other Australian laws, Federal and State, mentioned in the schedule attached hereto, forming a list of measures passed by different Parliaments at different times which would be overridden if the proposed clause were passed. Although appreciating fully the arguments in favour of an unrestricted grant, they would suggest for consideration that perhaps some provision might be inserted similar to that in Section 8 of the Commonwealth Naturalization Act, 1903, which is as follows:—

"8. A person to whom a certificate of naturalization is granted shall in the Commonwealth be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject in the Commonwealth.

"Provided that where by any provision of the Constitution or of any Act or State Constitution or Act a distinction is made between the rights, powers, or privileges of natural-born British subjects, and those of persons naturalized in the Commonwealth or in a State, the rights, powers, and privileges conferred by this Section shall for the purposes of that provision be only those (if any) to which persons so naturalized are therein expressed to be entitled."

If this be considered too great a departure from the spirit of the proposed clause, the Commonwealth Government suggest that perhaps it might be arranged that the national status should have existed for a certain period before the naturalized person is qualified for the particular high offices and for the enjoyment

* No. 164 in [Cd. 5273].

of the other privileges of citizenship which are referred to in the laws mentioned in this schedule.

4. It would appear to be an obstacle almost, if not quite, insuperable to the recognition of any Imperial certificate of naturalization within the Commonwealth if that certificate were held to confer on its holder greater rights in Australia than the certificate issued under the local law.

Clause 12.

5. Ministers think that it will probably be considered desirable to amend this clause so as to make the authority which grants the certificate the only authority competent to revoke it, *e.g.*, if a certificate were granted in Australia by the Governor-General, it would appear to be a wise provision that its revocation could only be made by the Governor-General in Australia, where evidence as to the false representations or fraud on which it was obtained could be most readily procured.

Clause 18.

6. Power should be given to the local authorities to make regulations as to procedure. These would, *mutatis mutandis*, as nearly as possible conform to those approved by the Colonial Office, but it would be obvious that, for example, persons by whom the oath of allegiance may be administered may in the Dominions be known by different designations from those applied in the United Kingdom.

Clause 26.

7. This clause has been the subject of much consideration on the part of the Law Advisers of the Commonwealth Government, who, while having the strongest desire that some system of Imperial naturalization should be brought into force, are unable to recommend the adoption of the proposals therein. In the first place they do not think that the words "not less stringent than" are an improvement on those formerly inserted. They do not afford any fair basis for a comparison. For instance, could it be said that three years' residence plus educational plus property qualifications were more or less stringent than five years' residence plus educational qualifications? But it is also considered that the procedure suggested is unnecessarily cumbersome, and it is suggested that the clause might be altered so as to give power to the Governor-General of any British Possession, if thereto authorised by the law of the Possession, to grant a certificate of Imperial naturalization to any person who has in fact fulfilled the conditions required by Imperial law. This would enable the Imperial Parliament to retain control of the policy of issuing Imperial certificates and would avoid the necessity for any Order in Council and obviate the delay inevitable from the adoption of any such procedure as that suggested in Sub-clause 3. They would strongly urge this alternative course as greatly simplifying the action to be taken and as possibly enabling citizens of a Dominion to which, if the proposed clause were adopted, the Order in Council could not be made to apply to obtain Imperial certificates without inconvenience. While dealing with this clause, Ministers point out that the phrase "subordinate Governors" in Sub-clause 4 can perhaps hardly be correctly applied to the Governors of the States of the Commonwealth, who are not subordinate to the Governor-General.

Clause 28,
sub-
clause 2.

8. It does not appear clear whether this clause applies when the foreign ship in British territorial waters is also actually in a harbour in the British Dominions.

9. It is further suggested that it will probably be well to add a provision to the proposed law to the effect that where citizens who have obtained certificates of Imperial naturalization remove from that part of the Empire in which they obtained such certificate for the purpose of settling in some other part they should be obliged to register their certificates with some central authority before they can be regarded as evidence entitling the holders to the privileges of British citizenship in the Possession.

10. The Commonwealth Government regret that they could not see their way to ask Parliament to reconsider the existing Naturalization Act with a view to so altering its terms as to bring it into harmony with the proposed Imperial law. It appears to them most unlikely that Parliament would consent to lengthen the term of residence (two years) required in Australia before naturalization, nor would Parliament be prepared to sanction the imposition of any fee on applicants. They would, however, be prepared to submit to Parliament proposals conferring on

the Governor-General power to grant certificates of Imperial naturalization as before suggested.

11. The Prime Minister has intimated to me that the Commonwealth Government will be very glad if this matter, as presented herein, can receive the fullest consideration, and further—if opportunity offers—would much appreciate the receipt of your Lordship's views on the proposals now submitted, before the intended Conference is opened.

I have, &c.,
CHELMSFORD,
Administrator.

Enclosure in No. 288.

LIST OF DISTINCTIONS DRAWN IN COMMONWEALTH AND STATE LAWS BETWEEN
NATURAL-BORN AND NATURALIZED PERSONS.

COMMONWEALTH.

Constitution, s.s. 16, 34.

To become qualified for election as a member of Parliament, a person must be either—

- (a) a natural-born subject, or
- (b) a person who has been naturalized for five years.

Invalid and Old Age Pensions Act, 1908-1909, s. 16.

A naturalized subject, unless naturalized before 30th June, 1910, is not eligible to receive an old-age pension until he has been naturalized for three years.

NEW SOUTH WALES.

(No distinction.)

VICTORIA.

Constitution Act Amendment Act, 1890, s. 35.

To become qualified for election as a member of the Legislative Council a person must be either—

- (a) a natural-born subject, or
- (b) a person who has been naturalized for 10 years and has resided in Victoria during that period.

Constitution Act Amendment Act, 1890, s. 124.

To become qualified for election as a Member of the Legislative Assembly a person must be either—

- (a) a natural-born subject, or
- (b) a person who has been naturalized for five years and has resided in Victoria for two years.

Old-Age Pensions Act, 1901, s. 7 (b).

A naturalized person is not eligible to receive an old-age pension until he has been naturalized for six months.

QUEENSLAND.

Elections Acts, 1885-1898, s. 6.

A naturalized person must be naturalized for six months before he is eligible to apply for enrolment as an elector of the Legislative Assembly.

(Note.—By the Constitution Act of 1867, s. 28, it is provided that the qualification for membership of the Legislative Assembly is that a person must be qualified to be an elector.)

Old-Age Pensions Act, 1908, s. 7 (b).

A naturalized person is not eligible to receive an old-age pension until he has been naturalized for six months.

SOUTH AUSTRALIA.

Constitution Act, 1855, s. 15.

"No person, not being a natural-born subject of Her Majesty, shall be qualified and entitled to be elected a member of the said Parliament unless he shall have resided in the said Province for the full period of five years."

(Note.—By s. 5, *ib.*, no person may be elected a member of the *Legislative Council* until he has resided in South Australia for three years, whether natural-born or naturalized; and by s. 14, *ib.*, no person may be elected a member of the *House of Assembly* unless he is qualified and entitled to be registered as a voter. To become so qualified he must have resided in South Australia for six months.)

Thus the required periods of residence are:—

For election to the Legislative Council—

A natural-born subject, three years.

A naturalized subject, five years.

For election to the House of Assembly—

A natural-born subject, six months

A naturalized subject, five years.

WESTERN AUSTRALIA.

Constitution Acts Amendment Act, 1899, s. 7.

To become qualified for election as a member of the Legislative Council a person must be either—

(a) a natural-born subject who has resided in Western Australia for two years; or

(b) a person who has been naturalized for five years, and has resided in Western Australia for five years.

Constitution Acts Amendment Act, 1899, s. 20.

To become qualified for election as a Member of the Legislative Assembly a person must be either—

(a) a natural-born subject who has resided in Western Australia for 12 months; or

(b) a person who has been naturalized for five years, and has resided in Western Australia for two years.

TASMANIA.

Constitution Amendment Act, 1900, s. 7.

To become qualified as a Member of Parliament a person must be either—

(a) a natural-born subject; or

(b) a person who has been naturalized for five years.

3667

No. 289.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to Home Office, June 14, 1910. L.F.]

(No. 216.)

MY LORD,

Downing Street, 3 June, 1910.

I HAVE the honour to acknowledge the receipt of Lord Chelmsford's despatch, No. 301, of the 24th of December,* containing an expression of the views of your late Ministers on the Report of the Inter-Departmental Committee on Naturalization.† I am glad to note that Ministers recognised the value of the suggestions made by the Committee.

* No. 288.

† Miscellaneous No. 222.

2. The general position of the matter is that despatches* respecting the report of the Committee, of which copies are enclosed, have been received from Newfoundland and from the South African Colonies. The Governments of the Dominions of Canada and New Zealand have not yet furnished me with an expression of their views. Pending the receipt of replies from these two Dominions, and pending the receipt of a statement of its views from the newly-formed Government of the South African Union, it would be premature to proceed with the summoning of the subsidiary Conference proposed in my despatch of the 9th of November, 1908.† In the meantime, I desire to offer the following observations on the suggestions made by Ministers.

3. Clause 9. As at present advised I agree that the point as to conflict with Acts of Parliament in the Dominions is sound, and that an amendment of the clause should be made to meet it. I consider, however, that for the purposes of this Bill the proviso quoted from Section 8 of the Commonwealth Naturalization Act is somewhat too rigid in its terms and that it would be preferable to limit the language of the proviso to safeguarding the suspension for a limited time of the full rights granted to naturalised persons which may be provided for by law in the United Kingdom, the Dominions, or the Colonies.

4. Clause 12. I am inclined to view with favour the suggestion that the authority which issues a certificate should also revoke it, but the point is one which may usefully be discussed by the subsidiary Conference, as there may be grounds of convenience for providing for a central revoking authority, in view of the fact that holders of certificates may move about from one Colony to another. It will probably in any case be convenient to leave the Secretary of State as the sole revoking authority for all parts of the Empire except the self-governing Dominions.

5. Clause 18. I fully appreciate the point made, and consider that it will be desirable to insert a sub-clause giving the Governments of Colonies or Dominions power to adapt the regulations to the local circumstances. I think, however, that such power of adaptation need not go beyond the regulations provided for by 4, 5, 6, 7, and 9 of Clause 18. Clause 19 appears to safeguard the position of the Colonies in respect of Clause 18 (10).

6. Clause 26. I consider that the clause as it stands should remain for Colonies other than the self-governing Dominions; but I think there are strong arguments in favour of the adoption of the proposal of Ministers as preferable, in the case of the Dominions, to the procedure provided for in the clause. It should, however, remain possible for a Dominion to adopt the procedure by Order in Council if it desired to do so. This matter is one which will require the careful consideration of the subsidiary Conference.

To meet the point raised as to the phrase "subordinate Governors," I would propose to substitute for Clause 26 (4) a definition clause on the lines of that in Section 7 of the Territorial Waters Jurisdiction Act, 1878 (41 & 42 Vict., cap. 73), omitting, of course, the reference to the Governors of constituent Colonies.

7. Clause 28 (2). I am indebted to Ministers for noting the point as to harbours. The position under the existing law of persons born on foreign ships while passing through British territorial waters is not altogether clear, and there would seem to be risk of cases of double nationality arising. The point will be one for careful consideration later on.

8. The point raised in paragraph 9 of your despatch is one which should be carefully considered by the Conference. I apprehend that the central authority referred to is a central authority in the Dominion concerned, and I am inclined to think that some inconvenience might result from the statutory registration proposed. It is for consideration whether the object could not be obtained by an arrangement for periodical exchange of lists of persons who have received naturalisation certificates.

9. I am forwarding a copy of Lord Chelmsford's despatch under acknowledgment and of this reply to the Governments of all Dominions, in order that the points raised may receive consideration, together with the Report of the Committee, in anticipation of the meeting of the subsidiary Conference.

I have, &c.,
CREWE.

* Nos. 165-168 in [Cd. 5273]: the reply from the Cape is not printed.

† No. 164 in [Cd. 5273].

15982

No. 290.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 442.)
 (South Africa. No. 40.)
 (New Zealand. No. 128.)
 (Newfoundland. No. 101.)

Downing Street, 17 June, 1910.

[Published as No. 172 in [Cd. 5273], July, 1910.]

36583

No. 291.

COLONIAL OFFICE to HOME OFFICE.

[See No. 299.]

SIR,

Downing Street, 1 December, 1910.

WITH reference to the letter from this Office of the 14th June* and previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary Churchill, an extract from a telegram from the Governor of New Zealand forwarding the text of a resolution with regard to naturalisation to be moved by his Government at the Imperial Conference of 1911.

2. I am to add that Mr. Harcourt has not yet received any intimation of the views of the Dominion Governments other than in the despatch a copy of which was enclosed in the above-mentioned letter, and that he has accordingly addressed further despatches to these Governments inviting an early expression of their views. A further communication will be addressed to you on the subject in due course.

I am, &c.,
 C. P. LUCAS.

Enclosure in No. 291.

* (12e) *Uniformity of laws*: That it is in the best interests of the Empire that there should be uniformity throughout its centres in the law of naturalisation."

39642

No. 292.

COLONIAL OFFICE to HOME OFFICE.

[Answered by No. 299.]

SIR,

Downing Street, 4 January, 1911.

WITH reference to the letter from this Department of the 1st ultimo,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary Churchill, an extract from a telegram from the Governor-General of the Commonwealth of Australia, forwarding the text of a resolution with regard to naturalization to be moved by the Commonwealth representative at the forthcoming Imperial Conference

I am, &c.,
 C. P. LUCAS.

Enclosure in No. 292.

"*Naturalization*: That this Conference is in favour of the creation of a system which, while not limiting the right of a Dominion to legislate with regard to local naturalization, will permit the issue to persons fulfilling prescribed conditions of certificates of naturalization effective throughout the Empire, and refers to a subsidiary Conference the question of the best means to attain this end."

* L.P. transmitting copy of No. 289.

† No. 291.

2359

No. 293.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 p.m., 23rd January, 1911.)

TELEGRAM.

[Answered by No. 298.]

January 23rd. My despatch 14th December, No. 397,* Imperial naturalization. Am sending to you by next mail long minute from Ministers criticising draft Bill. Following is short summary of principal points:—

- (1) In view of Colonial susceptibilities, Bill should provide that it will not be applied to any self-governing Colony without previous favourable resolutions of both Houses of local Parliament.
- (2) Naturalization of coloured aliens by an Imperial authority will create apparently insuperable difficulty in South Africa, and suggests question whether time is opportune for pressing such legislation.
- (3) Consolidation of most self-governing Colonies into great Dominions has made subject of uniform Imperial naturalization less important than formerly. In South Africa one uniform system has superseded the four existing prior to Union. Provisions of Section 26 of Bill will not be given [give] to persons naturalized under local law in the Dominions any recognition as such beyond Dominion boundaries, as in Canada, Australia, and South Africa qualifying period of residence is shorter than that prescribed in Bill. South African law clearly recognised naturalization in United Kingdom, and therefore in South Africa only possible effect of Section 26 will be that persons naturalized in Crown Colonies (could) can obtain Imperial naturalization availing in South Africa and other portions of Empire. This meagre result does not seem to Ministers to justify great trouble which whole question certain to involve.
- (4) As these difficulties affect underlying principles of Bill, Ministers hope that opportunity may be found at forthcoming Imperial Conference to review question as a whole before discussion of details is proceeded with.

—GLADSTONE.

2359

No. 294.

COLONIAL OFFICE to HOME OFFICE.

[Answered by No. 299.]

SIR,

Downing Street, 2 February, 1911.

IN continuation of the letter from this Department of the 4th of January,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Home Secretary, an extract from a telegram from the Governor-General of the Union of South Africa containing the text of a resolution proposed to be submitted to the Imperial Conference on the subject of the draft Naturalization Bill considered by the Interdepartmental Committee of 1908 on which the Home Office was represented. A copy of a further telegram‡ from Lord Gladstone explaining the views of his Ministers on the subject is enclosed.

Mr. Harcourt will be glad to receive the observations of the Home Secretary on these telegrams at his early convenience. It will be seen by reference to its report§ (page 4) that the Committee was prepared for a provision which would secure that the Bill was not applied to a Dominion unless the Government of that Dominion agreed. If assent of the Dominion Parliament is desired, there would seem to be no objection. The second point made by the Union Ministers as to the colour bar

* 40041: not printed (interim reply to No. 172 in [Cd. 5273].)

† No. 291.

‡ No. 293.

§ Miscellaneous No. 222.

was also considered by the Committee, who pointed out (page 1) that in relation to the particular question of naturalization the colour question did not appear to be of serious importance. The third point raised by the Union Ministers, as to the difficulty in actually applying the Bill to the Dominions under Clause 26, is a serious difficulty, inasmuch as the residence qualification for naturalization is in no case more than three years in the Dominions, as compared with five years in the United Kingdom. It appears to Mr. Harcourt to be worthy of consideration whether a compromise might be effected by reducing the term laid down for the United Kingdom if a suitable uniform period could thereby be secured.

I am to add that copies of this letter and of the enclosed telegrams are being forwarded to the India Office and Foreign Office.

I am, &c.,
H. W. JUST.

Enclosure in No. 294.

"(5) That it is desirable to review the principles underlying the draft of Bill for Imperial Naturalization before its details are discussed further."

2359

No. 295.

COLONIAL OFFICE to INDIA OFFICE and FOREIGN OFFICE.

SIR,

Downing Street, 2 February, 1911.

WITH reference to the letter from this Department of the 4th of January* and previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Secretary of State for [India] [Foreign Affairs], a copy of a letter† to the Home Office, with enclosures, on the subject of naturalization in connection with the Imperial Conference of 1911.

I am, &c.,
H. W. JUST.

2359

No. 296.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNORS.

(Canada. No. 72.)

(New Zealand. No. 33.)

(Australia. No. 60.)

(Newfoundland. No. 16.)

MY LORD,

SIR,

Downing Street, 3 February, 1911.

WITH reference to previous correspondence on the subject of the Imperial Conference of 1911, I have the honour to transmit to [Your Excellency], [you], to be laid before your Ministers, the enclosed copy of a telegram‡ from the Governor-General of the Union of South Africa stating the views of his Government on the draft Naturalization Bill which, with the report of the Interdepartmental Committee upon it, formed the subject of my despatch§ [Canada: No. 442, 17 June, 1910], [Australia: No. 216, 3 June, 1910], [New Zealand: No. 128, 17 June, 1910], [Newfoundland: No. 101, 17 June, 1910], and previous correspondence.

I have, &c.,
L. HARCOURT.

* No. 294.

† L.F. transmitting copy of the enclosure in No. 291.

‡ No. 293.

§ Nos. 171 and 172 in [Cd. 5273].

4448

No. 297.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11 February, 1911.)

[Answered by No. 304.]

(No. 50.)

SIR,

Government House, Johannesburg, 25th January, 1911.

WITH reference to my despatch of the 14th December, No. 397,* and to my telegram of 23rd January,† I have the honour to transmit herewith a copy of a minute from my Ministers on the subject of Imperial naturalisation.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 297.

(Minute 47.)

Union of South Africa, Prime Minister's Office,

Cape Town, 14 January, 1911.

Ministers have the honour to express their regret at the considerable delay which has taken place in expressing their views on the draft Imperial Bill on Naturalization and the report of an inter-departmental committee in connection therewith. Not only has the immense pressure of work resulting from the establishment of the Union of South Africa prevented Ministers from attending to this matter sooner, but they have also felt that the principles involved in the Bill are of a far-reaching character and require ample and mature consideration. If the remarks they are now going to make are on the whole unfavourable to the Bill, Ministers wish to assure His Majesty's Imperial Government that that is due entirely to the inherent difficulties which seem to surround the attainment of so laudable an object as the establishment of a uniform system of naturalization throughout the Empire.

In the first place, Ministers feel great difficulty about the constitutional groundwork of the Bill. It is, of course, true that the British Parliament has sovereign legislative power throughout the Empire and that the legislative authority of the Dominion Parliaments is restricted to their own territorial limits, and that, therefore, a uniform law for the Empire requires the intervention of the Imperial Parliament. At the same time, it would appear to be a grave departure from established practice to pass an Imperial measure intimately affecting the Dominions without reference to their own local Parliaments. Such a departure may come to be looked upon as a precedent for similar action in future, and is on that ground likely to rouse suspicion and create difficulties in the Dominions. Ministers, therefore, think that the Bill should make provision that it will not be applied to any self-governing Colony without the previous resolutions of both Houses of its Parliament approving of such a step. It may, of course, happen that some local legislature or other may decline to pass such resolutions and thereby prevent the Act from having universal application; but it would be more politic to face this than to arouse a feeling on the part of local legislatures that they are being overridden in matters which intimately concern their people. Ministers would emphasize that, in view of the sentiment towards union which is now growing in the Empire, it is specially important not to start a constitutional principle which might appear to the overseas Dominions to threaten that full local authority which they have hitherto exercised unhampered.

In the second place, Ministers would point out that, in spite of the trenchant arguments adduced by the Inter-departmental Committee, the naturalization of coloured aliens by an Imperial authority will create grave difficulties in South Africa. During the discussion of the Naturalization Bill which has just become law in the Union the undesirability of the naturalization of Asiatics was frequently emphasized, and in the face of the strong South African feeling on this question, no Government here would venture to naturalize that class of aliens, of whom there are thousands in South Africa. Under the proposed Bill, then, this sort of anomaly

* 40041: not printed (interim reply to No. 172 in [Cd. 5273].)

† No. 293.

would arise, viz., that an Asiatic resident in the Union, who has no chance whatever of being naturalized in the Union by the Union Government, will be in a position to get naturalized by the Secretary of State and thereafter will be a naturalized British subject in the Union. Ministers, of course, understand the practical impossibility for an Imperial Act to draw a colour line in matters of this kind; but in several of the Dominions the colour question has assumed the gravest importance, and, even where this is not accentuated by the legislation, it is fully recognized by the administrative practice, of the Dominions concerned. Even as between the rights of natural-born British subjects in the various portions of the Empire there exist very important differences, and it appears that the recognition of a theoretical uniformity as regards naturalization throughout the Empire, apart from differentiation on the ground of colour, will create more problems than it is likely to solve. The difficulty seems at present an insuperable one and raises the question whether the time is opportune for pressing legislation of this kind.

Lastly, Ministers beg to point out that the consolidation of most of the overseas Colonies into great Dominions has undoubtedly made this question of a uniform Imperial naturalization of less practical importance than it was formerly. In South Africa especially one uniform naturalization has now been substituted for the four different systems which obtained prior to the Union. Nor will the machinery proposed to be created under Section 26 of the Bill avail to give to persons naturalized in these great Dominions any recognition as such beyond the Dominion boundaries. For in Canada, Australia, and South Africa alike the required period of residence is either two or three years, and therefore falls short of the requirements of the Bill, and naturalization in these Dominions will consequently not avail in other portions of the Empire. South African law clearly recognizes naturalization in Great Britain, and the only possible effect of this section in South Africa will, therefore, be that persons naturalized in Crown Colonies will be able to obtain an Imperial naturalization availing in South Africa and in other portions of the Empire. This meagre result does not seem to justify the great trouble which the whole question is certain to involve.

In view of these difficulties, which Ministers have taken the liberty to point out and which affect the underlying principles of the Bill, Ministers venture to express the hope that an opportunity might be found at the forthcoming Imperial Conference to review the question as a whole before the discussion of details is proceeded with.

LOUIS BOTHA.

2359

No. 298.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNORS.

(Canada. No. 101.)	(Newfoundland. No. 24.)
(Australia. No. 76.)	(South Africa. No. 83.)
(New Zealand. No. 54.)	

My LORD,

Downing Street, 15 February, 1911.

SIR,

WITH reference to my despatch,* No. [72], [60], [33], [16], of the 3rd of February, [South Africa: your telegram of the 23rd of January], and previous correspondence, I have the honour to state, for the information of your Ministers, that it is not proposed to prepare any further material for the Imperial Conference on the subject of Imperial naturalisation, as it would seem that sufficient materials for discussion exist in (a) the Report† of the Interdepartmental Committee of 1908 and draft Bill annexed to it; (b) the despatch of the Governor-General of the Commonwealth of Australia, No. 301, of the 24th of December, 1909, and my predecessor's despatch of the 3rd of June, 1910;‡ and (c) the telegram of the 23rd of January,† stating the views of the Government of the Union of South Africa.

I have, &c.,
L. HARCOURT.

* No. 296.

† No. 293.

‡ Miscellaneous No. 222.

§ Nos. 288 and 289.

5141

No. 299.

HOME OFFICE to COLONIAL OFFICE.

(Received 17 February, 1911.)

[Answered by No. 301.]

SIR,

Home Office, Whitehall, 16th February, 1911.

I AM directed by Mr. Secretary Churchill to refer to the Colonial Office letter of the 2nd instant (2359/1911),* forwarding copies of telegrams from the Governor-General of the Union of South Africa on the subject of the draft Naturalization Bill to be considered by the Imperial Conference, and to acquaint you, for the information of Mr. Secretary Harcourt, that he agrees that the first two points raised by the Union Ministers may be met in the manner suggested in your letter, but that he does not think that it is possible to adopt the suggestion of a reduction in the period of five years' residence required before naturalization in the United Kingdom. It would be preferable probably either to omit Clause 26—if the Dominions maintain their objection—or to modify it so as to make it apply only as between the United Kingdom and the Dominions or Colonies. More detailed discussion may perhaps be deferred till the full despatch from South Africa has been received.

I am, &c.,
W. P. BYRNE.

5141

No. 300.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNORS.

(Canada. No. 136.)	(New Zealand. No. 71.)
(Australia. No. 96.)	(Newfoundland. No. 36.)

My LORD,

Downing Street, 2 March, 1911.

SIR,

WITH reference to my despatch, No. [101], [76], [54], [24], of the 15th February,† I have the honour to transmit to [Your Excellency,] [you], to be laid before your Ministers, the accompanying copy of a despatch‡ from the Governor-General of the Union of South Africa on the subject of Imperial naturalization.

2. This despatch should, of course, be substituted for the telegram of which a copy accompanied my despatch, No. [72], [60], [33], [16], of the 3rd February,§ as part of the materials for the discussion of the question of naturalization at the Imperial Conference.

I have, &c.,
L. HARCOURT.

5141

No. 301.

COLONIAL OFFICE to HOME OFFICE.

SIR,

Downing Street, 2 March, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 16th of February,|| and to transmit to you, to be laid before Mr. Secretary Churchill, the accompanying copy of a despatch‡ from the Governor-General of the Union of South Africa on the subject of Imperial naturalization.

2. Mr. Harcourt is inclined to think that it will eventually be necessary to accept the suggestion of the Government of the Commonwealth of Australia that Imperial naturalization should be given by the Governors-General or Governors of the self-governing Dominions only in those cases where an applicant has satisfied the tests in the Imperial Act, and that it will be necessary to abandon any attempt to secure uniformity in details, but he would be glad to receive any observations which Mr. Churchill desires to make upon this subject.

I am, &c.,
H. W. JUST.

* No. 294.

† No. 298.

‡ No. 297.

§ No. 296.

|| No. 299.

5141

No. 302.

COLONIAL OFFICE to INDIA OFFICE and FOREIGN OFFICE.

SIR,

Downing Street, 2 March, 1911.

WITH reference to the letter from this Office of the 2nd February,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before [the Earl of Crewe], [Secretary Sir Edward Grey], the accompanying copy of a despatch† from the Governor-General of the Union of South Africa on the subject of Imperial naturalization.

I am, &c.,
H. W. JUST.

9929

No. 303.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 27 March, 1911.)

(No. 21.)

SIR,

Wellington, 17th February, 1911.

WITH reference to your despatch, No. 272, of the 25th November, 1910,‡ I have the honour to transmit to you copy of a memorandum received from my Prime Minister, submitting observations respecting the report of the Interdepartmental Committee upon the draft of a Bill to consolidate and amend the enactments relating to naturalisation, British nationality, and the status of aliens.

I have, &c.,
ISLINGTON,
Governor.

Enclosure in No. 303.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

The Prime Minister presents his compliments to His Excellency the Governor and begs to submit the following observations respecting the report of the Inter-Departmental Committee upon the draft of a Bill to consolidate and amend the enactments relating to naturalization, British nationality, and the status of aliens, which report and draft Bill was forwarded with the despatch from the Secretary of State for the Colonies, No. 188, of 9th November, 1908, returned herewith.

With regard to the provisions of Clause 26 of the said draft Bill it is deemed advisable that some provision should be made whereby naturalization throughout the whole Empire should be obtainable in the British Possessions (Dominions and Colonies), but it is considered doubtful whether the provisions contained in that clause are the best that could be devised for the purpose. They are open to the objection that they render necessary the permanent continuance of a double system of naturalization, Imperial and Colonial. An applicant in the British Possessions for Imperial naturalization would first of all have to obtain Colonial naturalization, and then to make a separate application for Imperial naturalization, which, when obtained, would completely supersede the Colonial naturalization on which it was based. This seems to be a needless and inadvisable complication.

It is, therefore, suggested, for consideration as an alternative plan, that the naturalization provisions of the Imperial Bill should apply to the whole Empire subject to the following powers expressly conferred upon the various Colonial legislatures:—

- (1) Power to provide the necessary machinery and procedure for bringing those provisions into operation in the Colony, *e.g.*, determining the Colonial officials by whom the powers of the Secretary of State are to be there exercised; establishing the necessary penal provisions; appointing fees; authorising regulations by the Governor in Council, &c.
- (2) Power to impose further restrictions, limitations, and conditions on applications in the Colony for Imperial naturalization.

* No. 295.

† No. 297.

‡ 34801: reminder: not printed.

- (3) Power, as at present, to provide for Colonial naturalization, granted on easier terms than Imperial naturalization, but without extra-territorial operation.

It is further suggested that all the provisions of the Imperial Bill which are intended to be of universal application throughout the Empire should be collected in a separate part of the Bill, and that this part should be expressly declared to be so applicable.

J. G. WARD,
Prime Minister.

Prime Minister's Office,
Wellington.

15th February, 1911.

9929

No. 304.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

- (1. Canada. No. 218.)
- (2. Australia. No. 159.)

- (3. South Africa. No. 153.)
- (4. Newfoundland. No. 79.)

MY LORD,

Downing Street, 31 March, 1911.

SIR,

WITH reference to [1, 2, & 4: my despatch, No. (136), (96), (36), of the 2nd of March*], [3: your despatch, No. 50, of the 25th of January†], I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copy of a despatch‡ from the Governor of New Zealand on the subject of naturalisation.

I have, &c.,
L. HARCOURT.

9929

No. 305.

COLONIAL OFFICE to HOME OFFICE.

[Copy to Foreign Office and India Office, 1 April, 1911.]

SIR,

Downing Street, 1 April, 1911.

IN continuation of the letter from this Office of the 2nd of March,§ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Mr. Secretary Churchill, copy of a despatch‡ from the Governor of New Zealand on the subject of naturalization.

2. It appears to Mr. Harcourt that it would not be possible to accept the proposal (2) in the memorandum of Sir J. Ward, that the Dominion Parliaments should be empowered to impose further conditions on applications for Imperial naturalization. Clauses 27 and 29 (4) of the draft Imperial Naturalization Bill safeguard the grant of local naturalization by local acts (point (3) in the memorandum). Point (1), as to the provision of local machinery, has already been raised by the Government of the Commonwealth of Australia in paragraph 6 of the despatch of the 24th of December, 1909 (page 154 of [Cd. 5273]), and it will be seen from paragraph 5 of Lord Crewe's despatch (page 157 of the same Parliamentary Paper) that it is proposed to concede it.

3. Mr. Harcourt presumes that Mr. Churchill has considered the line to be taken by him at the Imperial Conference on the draft Naturalization Bill, and the views expressed as to it by the self-governing Dominions in the despatches and resolutions, copies of which have been forwarded from time to time to your Department. A memorandum has, no doubt, been, or will shortly be, prepared for Mr. Churchill's consideration, and Mr. Harcourt would be glad to be furnished with copies of such a memorandum, and to be made acquainted generally with the views of the Home Secretary.

I am, &c.,
H. W. JUST.

* No. 300.

† No. 297.

‡ No. 303.

§ No. 301.

13.

(Resolution XX.). Subsidized Steamer Service (All-Red Route, &c.)

36344

No. 306.

COLONIAL OFFICE to BOARD OF TRADE AND GENERAL POST OFFICE.

[See Enclosures in No. 307.]

SIR,

Downing Street, 15 December, 1910.

[WITH reference to the letter from this Department of the 7th November.*] I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before [the Board of Trade] [the Postmaster-General] the accompanying printed copy of a despatch† from the Governor of Newfoundland covering a copy of a resolution on the subject of a subsidized steamer service between Great Britain and Canada via Newfoundland, which has been prepared by his Ministers for discussion at the forthcoming Imperial Conference.

I am also to enclose an extract from a telegram from the Governor of New Zealand embodying the text of a resolution drawn up by his Ministers in favour of an all-red route between Great Britain, Australia, and New Zealand via Canada.

I am, &c.,
C. P. LUCAS.

Enclosure 2 in No. 306.

"(10.) *All-Red Route between Great Britain, Commonwealth of Australia, and New Zealand, via Canada.*—That in the interests of the Empire it is desirable that Great Britain should be connected with Canada and through Canada with Commonwealth of Australia and New Zealand by the best mail service available; that for this purpose a mail service should be established on the Pacific between Vancouver's Island, Fiji, Auckland, and Sydney by 1st class steamers of not less than 10,000 tons, and capable of performing the voyage at an average of 16 knots speed; that in addition to this a fast service should be established between Canada and Great Britain the necessary financial support required for both purposes to be contributed by Great Britain, Canada, Commonwealth of Australia, and New Zealand in equitable portions."

13017

No. 307.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential (2).)

MY LORD,

Downing Street, 29 April, 1911.

WITH reference to my despatch, No. 38, of the 20th of January,‡ transmitting the Agenda for the Imperial Conference, I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copies of memoranda which have been prepared by the Board of Trade and the General Post Office on the subject of the proposed steamship service between Great Britain, Canada, and Australasia.

2. These memoranda will form a convenient basis for the discussion of the question at the Imperial Conference.

I have, &c.,
L. HARCOURT.

* L.F. transmitting copies of Nos. 25, 26, and 28. † No. 1 in [Cd. 5513]. ‡ No. 6 in [Cd. 5513].

11727

Enclosure 1 in No. 307.

ALL-BRITISH ROUTE BETWEEN THE UNITED KINGDOM AND AUSTRALASIA VIA CANADA.

(Confidential.)

At the Imperial Conference of 1907 the following resolutions were passed:—

"That in the opinion of this Conference the interests of the Empire demand that, in so far as practicable, its different portions should be connected by the best possible means of mail communication, travel, and transportation;

"That to this end it is advisable that Great Britain should be connected with Canada, and through Canada with Australia and New Zealand, by the best service available within reasonable cost;

"That for the purpose of carrying the above project into effect such financial support as may be necessary should be contributed by Great Britain, Canada, Australia, and New Zealand in equitable proportions."

The proposition as set out by Sir Wilfrid Laurier was to establish across the Atlantic Ocean a service of steamships equal to the best now running between the United Kingdom and the United States of America—that is to say, of a speed of 24 knots—and to link up this service by means of the Canadian railways across Canada to a fast service of steamships running from Vancouver to New Zealand and Australia. Sir W. Laurier placed the speed on this section of the route at 18 knots, but Sir Joseph Ward suggested 21 knots.

The questions raised by the resolutions were subsequently carefully considered, and a large amount of technical information and other material bearing on the subject was collected and examined.

The evidence of expert witnesses was taken as to the practical difficulties to be overcome, the chances of commercial success of such a route, and the effect which it might be expected to have on existing lines of transportation.

With the aid of experts it was also endeavoured to estimate the expense which would be incurred in attaining the desired object, i.e., the cost of operating vessels at various speeds, the consumption of coal, the number of vessels required, &c.

Amongst those whose advice and assistance were sought were the following:—Sir Wilfrid Laurier, Prime Minister of Canada; Lord Strathcona, High Commissioner for Canada; Hon. W. Pember Reeves, lately High Commissioner for New Zealand; Sir Thomas Shaughnessy, President of the Canadian Pacific Railway; Mr. Norman Hill, Secretary of the Liverpool Steamship Owners' Association; the late Sir Alfred Jones, of the Elder Dempster Line; Mr. Allan, of the firm of steamship owners, Allan Brothers; and Captain Collins, C.M.G., Representative of the Australian Commonwealth.

The following detailed schemes were also considered:—

1. *Sir Wilfrid Laurier.*—A weekly 24-knot service by three boats across the Atlantic in return for an annual subsidy of £450,000, to be paid in equal shares by the Imperial and the Canadian Governments.

2. *Sir T. Troubridge.*—A weekly 25-knot service between Blacksod Bay, in Ireland, and Halifax, and a fortnightly 18-knot service from Vancouver to Auckland and Sydney, in return for an annual payment of £775,000, being £320,000 for the Atlantic and £450,000 for the Pacific services respectively.

3. *Messrs. Ochs Brothers.*—A weekly fast line between an English port and a Canadian port, via Newfoundland.

4. *Sir T. Shaughnessy.*—A weekly 21-knot service from Liverpool to Halifax or Quebec, in return for an annual subsidy shared between the British and Canadian Governments, commencing at £300,000 and diminishing gradually to £200,000.

The outlines of other schemes, including the extension to Vancouver of the steamship service to Australia via Suez, were also brought under consideration.

The estimates of the amount of subsidy that would be required to carry out the different schemes submitted varied as regards the Atlantic section of the route from £300,000 to £800,000 per annum for a weekly 24-knot service; and with regard to the Pacific section from £400,000 to £550,000 per annum. The execution of the scheme as a whole was represented from a variety of sources as requiring a subsidy of from £775,000 to over £1,250,000 per annum.

Without laying down precise figures as to what might be considered an adequate subsidy for such a service across the Atlantic as was aimed at, it was estimated that the cost incurred by increasing the Atlantic service to Canada from 18 to 24 knots would amount to £480,000. In considering the question of subsidising a fast route between the United Kingdom and Canada, it must be remembered that it would not be possible to keep back all mails to Canada by one weekly service, even though that service were the quickest across the Atlantic. This would affect the question of any postal subsidy which might be payable.

The attitude of the Dominion Governments towards the financial aspects of the problem has not been clearly defined. It was understood that the Canadian Government would be prepared to pay £225,000 towards a total subsidy of £450,000 for the Atlantic section, but it is not known what their share of the Pacific subsidy would amount to.

It was also understood that the New Zealand Government would be prepared to pay £100,000 for a 21-knot, or £75,000 for an 18-knot, service across the Pacific, but since that offer was made a five years' contract for a monthly service between Vancouver and Auckland for a moderate subsidy approved by Canada and New Zealand has been arranged.

No information was forthcoming as to the share of the burden that the Australian Government might be prepared to bear; and if this Dominion, in view of the contract for the recently established service via Suez, were indisposed to contribute financially to the scheme to any considerable extent, the share to be borne by the United Kingdom of the subsidy for the Pacific service would be considerably increased. It must also be borne in mind that a service via Canada lessening by one week the time from England and New Zealand would not be quicker to Australia than the present service via the Suez Canal.

The resolution carried at the Imperial Conference of 1907 made the express stipulation that the service should be the best available within reasonable cost. Examination of the schemes proposed demonstrated that none of them could be said to comply fully with this condition, and that all of them were open to criticism from other points of view.

It appeared from the evidence that the cost of running a service of 24-knot steamers across the Atlantic between the United Kingdom and Canada was out of proportion to the advantages to be gained from the increased speed. The fact must also not be lost sight of that the requirements of trade are resulting in a quickening of steamship services to Canada, independent of mail subsidies. The estimated cost of the Pacific service appeared to be prohibitive, having regard to all the circumstances of the case and the traffic that could be reasonably expected.

April, 1911.

Enclosure 2 in No. 307.

ALL-BRITISH ROUTE BETWEEN THE UNITED KINGDOM AND AUSTRALASIA VIA CANADA.

(Confidential.)

MEMORANDUM BY THE GENERAL POST OFFICE.

The Newfoundland and New Zealand Governments propose to submit resolutions to the Colonial Conference on the subject of the "All Red Route."

2. A copy of the resolution actually passed by the Conference of 1907 is annexed. It was rather less precise than the resolution that had been introduced by Sir Wilfrid Laurier, which specified that the "service upon the Atlantic Ocean should be carried on by means of steamships equal in speed and character to the best now in existence, and on the Pacific Ocean by steamships of a speed not less than 18 knots."

3. The resolution now proposed by Newfoundland deals only with the Atlantic service; and its purport would appear to be that the best service that can be made available for connecting Great Britain and Canada should touch at Newfoundland, and that if it did so that Colony would contribute in proportion to its population, wealth, trade, and interests. A contribution on this basis would be very small—not more than $\frac{1}{10}$ th of that of the United Kingdom—and as the essence of the proposal for a fast line across the Atlantic to Canada is that competition with the lines to New York should be facilitated by saving every hour possible, it seems undesirable that for a small contribution the journey should be lengthened by the six or eight hours which would be necessary to enable a call to be made at St. John's, Newfoundland, on the way to Halifax or to Quebec.

4. It may be, however, that the Newfoundland Government intend to put forward the project, briefly referred to by Sir Robert Bond at the Conference of 1907, of a steamer service between the United Kingdom and Newfoundland, a railway service across that island, and another steamer service between Newfoundland and Canada. The main advantage claimed for such a project is that it would involve the shortest possible sea journey; but the route which gave this advantage would be available at most for eight months in the year, and would involve double transshipment of passengers at Newfoundland. The scheme is not considered by the Post Office a practicable one.

5. The resolution put forward by the New Zealand Government deals mainly with the service on the Pacific Ocean, and shows change in the views of that Government since Sir Joseph Ward urged at the Conference of 1907 that the 18-knot Pacific service proposed by Sir Wilfrid Laurier was too slow; that there would be little value in a service by which the mails would take twenty-seven or twenty-eight days to reach London, i.e., practically as long as had been taken for a number of years via San Francisco and New York; and that a service of about 21 knots, which would bring New Zealand and England within three weeks of each other, was required, and would be supported by New Zealand with a subsidy of as much as £100,000. The New Zealand Government apparently now consider that a comparatively slow service, which would bring mails and passengers from England in a shorter time (twenty-seven days) than they now take via Suez (thirty-three and a-half days), and would be available for a cargo service between New Zealand and Canada, is worthy of support. Since the New Zealand resolution was circulated a regular steamship service between that country and Canada has been arranged.

6. No resolution with regard to the "All Red" route has been put forward by the Canadian Government for consideration at the coming Conference. At the 1907 Conference Sir Wilfrid Laurier advocated a 24-knot Atlantic service, which was to do the journey from Liverpool to Halifax, Nova Scotia, in four days. In July, 1908, he was, however, reported to have referred to the Atlantic journey being accomplished by the proposed "All Red" route in five days by 21-knot vessels. The view of the Post Office is that the cost of running the service by 25-knot instead of by 21-knot steamers would be out of all proportion to any advantages to be reached by the increased speed. It appears to them that commercial competition is bringing about a reduction in the time taken, without any special assistance from the State. In this connection it is understood that the Allan and Canadian Pacific Railway lines are contemplating a considerable improvement in their service(s).

7. An approximate time table between Liverpool and Auckland for summer and winter, based on a 21-knot effective speed across the Atlantic, and the 16-knot effective speed across the Pacific now suggested by the New Zealand Government is annexed. It assumes that the overland train journey from Quebec to Vancouver could be accomplished in four days, and from Halifax in five days. It allows twelve

hours for coaling at Fiji, but does not provide for coaling at Honolulu—a foreign port. It will be seen that from Liverpool to Auckland would take about twenty-seven days, and to Sydney—allowing one day at Auckland—about thirty-one and a-half days. In comparison with these times it may be noted that mails by the Peninsular and Oriental and Orient Lines by way of Suez take twenty-nine and a-half days from London to Melbourne, and thirty-three and a-half days from London to Wellington.

The advantage to New Zealand of the proposed "All Red" route over that of Suez is obvious, but so far as the Commonwealth of Australia is concerned the Suez route is the faster, and from the commercial point of view perhaps the more desirable. Moreover, the arrangement with the Peninsular and Oriental Company, under which the present contract is performed, combines the whole of the eastern mail service with that of Australia, and by an elaborate and carefully worked out system of branch lines and connections at various ports *en route* the number of ships employed is reduced to a minimum. This is an economical arrangement, and one which, up to the present, has been found to work satisfactorily, not only from the point of view of the United Kingdom, but also of the many British dependencies which are linked up with this important line of communication to Australia.

8. The question of the "All Red" route, in so far as it concerns the Imperial Government, narrows itself down to one of the amounts which can properly be paid to assist Canada in obtaining an Atlantic service faster than the commercial competition on that route will supply and New Zealand in her desire to maintain a regular mail service via Canada. As far as the Post Office is concerned, the question is one of the amount which it would be proper to pay as a postal subsidy for any part of the service.

9. As regards the Atlantic service, it must be borne in mind that no weekly service can be *exclusively* used. It would not be in the interest of trade with Canada to keep back correspondence which would be delivered earlier if sent by lines having different days of sailing from those of a particular contract service. At the present time rather more than half of the Canadian mails go by the Wednesday and Saturday sailings of the White Star and Cunard lines via New York, and the cost of their transmission across the Atlantic is covered by the inclusive contract amounts paid to these lines for American mails. An arrangement has also been made for a fortnightly Wednesday despatch of "full" mails to Canada by the Canadian Northern Railway Company, which has established a service with 21-knot steamers. The bulk of mails at present carried by the Allan and Canadian Pacific Railway lines is not very large, and even if it were considerably increased as the result of the institution of a quicker service, it would not justify a heavy contribution to the cost of the service in question, especially as such a contribution would, in existing circumstances, be almost entirely additional to present postal payments.

10. The same thing applies to a postal subsidy for the Vancouver-Auckland-Sydney route. Apart from the fact that the proposed service would not result in any acceleration of the mails to Australia, payments for it would be additional to those now made by the Postmaster-General to the Peninsular and Oriental Steam Navigation Company and by the Australian Government to the Orient Steam Navigation Company. The former contract runs until 1915 and the latter until 1920. The same contracts now cover the cost of the ocean conveyance of the mails to New Zealand, and in this case also any postal subsidy given to the proposed new service would be an addition to present payments until, at any rate, the Peninsular and Oriental contract expires in 1915.

It seems probable, however, that before that time the whole situation may have been materially altered by the opening of the Panamá Canal, which will give a new route to New Zealand involving no transhipment.

April 19, 1911.

Resolution with regard to "All Red" route passed at Colonial Conference of 1907.

That in the opinion of this Conference the interests of the Empire demand that, in so far as practicable, its different portions should be connected by the best possible means of mail communication, travel, and transportation;

That to this end it is advisable that Great Britain should be connected with Canada, and through Canada with Australia and New Zealand, by the best service available within reasonable cost;

That for the purpose of carrying the above project into effect such financial support as may be necessary should be contributed by Great Britain, Canada, Australia, and New Zealand in equitable proportions.

TIME TABLE for "All Red" route with 21-knot service across the Atlantic and 16-knot service across the Pacific.

	Distance.	Days.	Hours.
<i>Proposed Route (Summer).</i>			
Liverpool-Auckland, 27 days—			
Liverpool-Quebec (via Cape Race) ...	2,872	5	17
Time allowed for transfer ...	—	—	4
Quebec-Vancouver (train) ...	—	4	0
Time allowed for transfer ...	—	—	4
Vancouver-Fiji ...	5,190	13	13
In harbour at Fiji ...	—	—	12
Fiji-Auckland ...	1,150	3	0
In harbour at Auckland ...	—	1	0
Auckland-Sydney ...	1,264	3	8
Liverpool-Sydney ...	—	31	10
<i>Proposed Route (Winter).</i>			
Liverpool-Auckland, 27 days, 5 hours—			
Liverpool-Halifax ...	2,138	4	20
Time allowed for transfer ...	—	—	4
Halifax-Vancouver (train) ...	3,662	5	0
Time allowed for transfer ...	—	—	4
Vancouver-Fiji ...	5,190	13	13
In harbour at Fiji ...	—	—	12
Fiji-Auckland ...	1,150	3	0
In harbour at Auckland ...	—	1	0
Auckland-Sydney ...	1,264	3	8
Liverpool-Sydney ...	—	31	13

14.

Stamp Duties upon Colonial Securities.

34806

No. 308.

COLONIAL OFFICE to TREASURY.

[See Enclosure in No. 310.]

SIR,

Downing Street, 25 November, 1910.

WITH reference to your letter of the 6th of November, 1908,* I am directed by Mr. Secretary Harcourt to request you to inform the Lords Commissioners of the Treasury that he has received a telegram from the Governor of New Zealand proposing as a subject to be discussed at the Imperial Conference in 1911, "Government debentures and other securities to be exempted from stamp duty."

2. Mr. Harcourt presumes that nothing has occurred to modify the views of their Lordships on this question as expressed in the despatch† to the Governor of New South Wales of which a copy was enclosed in the letter from this Department of the 17th of November, 1908.‡ As, however, the question is to be raised again at the Conference, I am to request that their Lordships will give it consideration, and will furnish the Secretary of State with any observations which they may have to offer. It would be convenient if these observations could take the form of a memorandum suitable for circulation to members of the Conference and if this memorandum could be forthcoming in time for it to reach members in good time before they start for this country in April next.

I am, &c.,
C. P. LUCAS.

36525

No. 309.

COLONIAL OFFICE to TREASURY.

SIR,

Downing Street, 1 December, 1910.

IN continuation of the letter from this department of the 25th of November, § I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Treasury, the accompanying extract from a telegram from the Governor of New Zealand, embodying the text of the resolution which his Prime Minister proposes to bring before the Imperial Conference on the subject of stamp duties on Colonial securities.

I am, &c.,
C. P. LUCAS

Enclosure in No. 309.

"(16.) *Stamp Duty and Colonial Bonds.*—That in order to encourage investment in the bonds of oversea Dominions, it is desirable that debentures or other securities issued in the United Kingdom by, or on account of, the Governments of the self-governing dependencies should be exempted from stamp duty."

* 40723: not printed (the substance is in No. 186 in [Cd. 5273].)
† L.F.
‡ No. 186 in [Cd. 5273].
§ No. 308.

4180

No. 310.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 96.)
(Australia. No. 74.)
(South Africa. No. 81.)

(New Zealand. No. 52.)
(Newfoundland. No. 22.)

MY LORD,

Downing Street, 15 February, 1911.

SIR,

WITH reference to my despatch [No. 38] [No. 25] [No. 30] [No. 17] [No. 8] of the 20th of January,* forwarding the Agenda for the Imperial Conference, I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, copies of a memorandum prepared by direction of the Lords Commissioners of the Treasury on the subject of the resolution to be proposed by the Government of New Zealand respecting stamp duties on Colonial Government securities.

I have, &c.,
L. HARCOURT.

Enclosure in No. 310.

MEMORANDUM BY TREASURY.

STAMP DUTY ON COLONIAL BONDS.

"That in order to encourage investment in the Bonds of Oversea Dominions, it is desirable that Debentures or other securities issued in the United Kingdom, by or on account of the Governments of the Self-governing dependencies, should be exempt from Stamp Duty."

Colonial Government Securities may take the form of—

- (1) Bonds to Bearer;
- (2) Registered Bonds; or
- (3) Inscribed Stock.

(1) *Bonds to Bearer.*—Colonial Government Bonds to Bearer issued in the United Kingdom are chargeable with Stamp Duty at the rate of 2s. 6d. per £100 secured.

This duty, which is payable before issue, was first imposed on both Foreign and Colonial Bonds in 1862, when the Bonds of English Corporations and Companies, whether transferable by delivery or by deed, were also chargeable with 2s. 6d. per cent. on issue.

By the Act 34 and 35 Victoria, Cap. 4, the terms of the charge were modified, but the rate of duty remained unaltered.

In 1885, when, by the Act 48 and 49 Victoria, Cap. 51, the charge on other securities transferable by delivery was increased from 2s. 6d. per cent. to 10s. per cent., Colonial Government Securities were specially excepted from the higher rate of duty, and they consequently continued to be charged with 2s. 6d. per cent. whether transferable by delivery or otherwise.

They were thus placed in a more favourable position than the Bearer Securities, not only of Foreign Government but of English Companies and Municipal Authorities, which were made chargeable with 10s. per cent.

This comparative advantage has been further enhanced by the provisions of Section 76 of the Finance (1909-10) Act, 1910, which, while increasing the duty

* No. 6 in [Cd. 5513].

on Bearer Securities in general to £1 per cent., has left unaltered the duty of 2s. 6d. per cent. on Colonial Government Securities (as well as the duty of 10s. per cent. on Colonial Municipal Securities).

This duty being payable on issue of the Bonds falls on the issuing Government, and does not affect either an original investor in the loan or the subsequent market for the bonds.

The bonds being transferable by delivery, no further duty is payable however frequently they may change hands.

(2) *Registered Bonds* are chargeable with 2s. 6d. per cent. on issue.

Transfers of such bonds are chargeable with 10s. per cent. on the amount of consideration money paid; but the issue of Colonial Government Securities in the form of registered bonds is practically obsolete. There are in existence only one or two old loans so issued.

(3) *Inscribed Stock*.—No duty is payable on issue of Colonial Government Inscribed Stock.

Upon a transfer of such stock from one holder to another, *unless the issuing Government compounds for the transfer duties*, duty is chargeable at the rate of 2s. 6d. per £100 or fraction of £100 of the nominal amount of stock transferred.

Such duty is merely a particular case of the Conveyance Duty which the law of the United Kingdom levies on all instruments by which property, or any interest in property, is transferred to or vested in a purchaser.

Conveyance Duty is charged on the transfers of all registered securities, including those issued by foreign or Colonial Governments and those issued by British municipal authorities.

The duty falls, partly through operation of law and partly by custom, upon the purchaser of the securities. On transfers of practically all other kinds of securities except Colonial Government Inscribed Stocks, the Conveyance Duty is at the rate of 10s. per cent. on the amount of the consideration money. Consequently transfers of Colonial Government Stocks receive exceptionally favourable treatment in being charged at 2s. 6d. per cent. only.

In the great majority of cases, however, Colonial Governments elect to compound for the duty on transfers of their inscribed stocks. The rate of composition is 12s. 6d. per cent. on the nominal amount of the stock, increased to 15s. per cent. if the period of redemption exceeds 60 years, and to 17s. 6d. per cent. if the period exceeds 100 years, or if no period of redemption is fixed.

Transfers of stock in respect of which composition has been paid are exempt from Stamp Duty.

Under the existing law, therefore, the Colonial Governments are themselves in a position to give every encouragement to investment by compounding for the transfer duties and thereby freeing would-be investors from all stamp charges; and they almost invariably avail themselves of this right.

It will thus be seen that, in practice, duties chargeable in connection with securities issued in the United Kingdom by Colonial Governments hardly ever fall upon the investor. These securities almost always consist either of Bonds to Bearer, in respect of which the sole duties are borne by the issuing Government, or of Inscribed Stock, in respect of which there is no duty on issue and the issuing Government compounds for the Stamp Duties that would otherwise be payable on future transfers from one holder to another.

The effect of remitting the duties payable on issue of Bearer Bonds or by way of composition for transfers of Inscribed Stocks would not be to grant relief to investors or to encourage investment in Colonial Stocks, but to relieve the issuing Government at the expense of the Imperial Exchequer.

Radio-Telegraphic Convention of 1906.

11572/09.

No. 311.

SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 312.]

(No. 35.)

MY LORD,

Downing Street, 16 June, 1910.
WITH reference to the despatches noted in the margin,* I have the honour to request Your Excellency to suggest to your Ministers that the Union of South Africa should now adhere as a whole to the Radiotelegraphic Convention. In this connection I have to refer to despatch, No. 134, of the 13th January, 1908,† from the Governor of the Orange River Colony from which you will observe that his Ministers merely refused to adhere to the Convention because the Orange River Colony was an inland Colony, with no seaboard.

Governor, Transvaal, 65, 26 February, 1909.
Officer Administering the Government, Transvaal, 370, 16 September, 1907.
Governor, Natal, 31, 2 March, 1909.
Governor, Natal, 181, 10 October, 1907.
Governor, Cape, 336, 9 November, 1907.
Governor, Cape, 41, 15 November, 1909.

I have, &c.,
CREWE.

28142

No. 312.

SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10 September, 1910.)

(No. 140.)

MY LORD,

Governor-General's Office, Pretoria, 19th August, 1910.

WITH reference to your despatch of the 16th June, No. 35,‡ I have the honour to inform your Lordship that my Ministers state that they are prepared to accept your suggestion that the Union of South Africa should now adhere as a whole to the Radiotelegraphic Convention.

I have, &c.,
GLADSTONE,
Governor-General.

29919

No. 313.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Newfoundland. No. 178.)

(New Zealand. No. 230.)

(Australia. No. 378.)

(Canada. No. 731.)

MY LORD,

Downing Street, 7 October, 1910.

SIR,

WITH reference to my despatch No. [71, of the 19th May, 1908§] [219, of the 3rd July, 1908,||] [118, of the 3rd July, 1908,||] [394, of the 4th July, 1908,||] in

* 9787, not printed: No. 194 in [Cd. 5273], 10730, not printed: Nos. 196 and 198 in [Cd. 5273] and 11572, not printed.
† No. 202 in [Cd. 5273]. ‡ No. 311. § No. 208 in [Cd. 5273]. || 21839: not printed.

which you were [your predecessor was] informed that the Orange River Colony had not adhered to the Radio-telegraphic Convention, I have the honour to request [Your Excellency] [you] to inform your Ministers that the Government of the Union of South Africa have now decided to adhere as a whole to that Convention.

[2. *To Newfoundland only.* As the whole of the British Empire, with the exception of Newfoundland has now accepted the Convention, I trust that your Ministers may now see their way to reconsider their decision against adherence, which was reported in your predecessor's despatch, No. 62, of 15th May, 1908.*]

I have, &c.,
CREWE.

* No. 209 in [Cd. 5273].

16.

Marriage Facilities.

6176

No. 314.

REGISTRAR-GENERAL to COLONIAL OFFICE.

(Received 1 March, 1910.)

General Register Office, Somerset House, London, W.C,
28th February, 1910.

[Published as No. 236 in [Cd. 5273], July, 1910.]

6176

No. 315.

COLONIAL OFFICE to HOME OFFICE.

Downing Street, 1 April, 1910.

[Published as No. 237 in [Cd. 5273], July, 1910.]

33623

No. 316.

HOME OFFICE to COLONIAL OFFICE.

(Received 1 November, 1910.)

[Answered by No. 317.]

SIR,

Home Office, Whitehall, 31st October, 1910.

WITH reference to previous correspondence (6176),* on the subject of the proposed introduction of a Bill to facilitate marriages between persons residing in the United Kingdom and persons residing in the Colonies, I am directed by Mr. Secretary Churchill to say, for the information of the Earl of Crewe, that, on the information before him, he sees no immediate need for the suggested legislation; and he regrets that he could not in any event take charge of it, as his Parliamentary time is already so deeply engaged.

I am, &c.,
W. P. BYRNE

33623

No. 317.

COLONIAL OFFICE to HOME OFFICE.

SIR,

Downing Street, 25 November, 1910.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 31st of October,† on the subject of the proposed introduction of a Bill to facilitate marriages between persons residing in the United Kingdom and persons residing in the Colonies.

* No. 237 in [Cd. 5273] July, 1910.

† No. 315.

2. The correspondence which has passed, including the draft Bill submitted by the Registrar-General, was included among the papers relating to the Imperial Conference presented to Parliament in July last [Cd. 5273], and Mr. Harcourt does not now propose that any action should be taken before the meeting of the Imperial Conference in 1911, when there will be an opportunity of ascertaining whether it is desired by the members of the Conference that the Bill should be proceeded with.

3. A copy of this correspondence is being sent to the Registrar-General.

I am, &c.,
C. P. LUCAS.

33623

No. 318.

COLONIAL OFFICE to THE REGISTRAR-GENERAL.

SIR, Downing Street, 25 November, 1910.
WITH reference to your letter of the 11th of October,* I am directed by Mr. Secretary Harcourt to transmit to you, for your information, copy of correspondence† with the Home Office on the subject of the proposed Bill for facilitating marriages between British subjects residing in the United Kingdom and British subjects resident in the Colonies.

I am, &c.,
C. P. LUCAS.

* 31286 : not printed.

† Nos. 316 and 317.

17.

Interchange of: (a) Civil Servants.

34791

No. 319.

COLONIAL OFFICE to GENERAL POST OFFICE AND BOARD OF TRADE.

[Answered by Nos. 320 and 322.]

SIR, Downing Street, 10 December, 1910.
I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the [Postmaster-General] [Board of Trade], the accompanying copy of an extract from a telegram from the Governor of New Zealand giving the text of a resolution to be moved by that Government at the Imperial Conference of 1911, dealing with the interchange of Civil Servants.

2. It will be observed that the terms of Sir Joseph Ward's proposed resolution are general, and that they apparently apply not only to interchanges between members of the Colonial Office and the New Zealand Civil Servants, but also to interchanges with other offices of His Majesty's Government, and I am to invite an expression of the opinion of the [Postmaster-General] [Board of Trade] with regard to the question how far it is possible or desirable to adopt such a system with regard to officers of the [General Post Office] [Board of Trade].

3. I am to explain that it appears to Mr. Harcourt that it would not be easy to arrange for formal interchanges of the kind apparently contemplated by Sir Joseph Ward, or to have any fixed scheme, but that it is always possible that a particular officer should be lent to a Dominion Government for some special purpose for a definite period, whilst it is open to the Dominion Governments to send over officers in their service to this country, in order that they may study the methods adopted in dealing with any particular Department of public business, and Mr. Harcourt assumes that, as in the past, the [Postmaster-General] [Board of Trade] will be prepared to afford the fullest facilities to officers so deputed by their Governments. Such officers could no doubt usefully be attached at the same time to the office of the High Commissioner for the Dominion in question, and thus acquire knowledge of English life and conditions contemporaneously with obtaining information as to their special sphere of official work.

4. Arrangements such as those mentioned in the preceding paragraph would appear to meet the practical needs of the situation without raising any difficulties as to conditions of service, control, pay, pension, &c., which would inevitably arise in adopting any fixed system.

I am, &c.,
H. W. JUST.

Enclosure in No. 319.

"4. *Interchange of Civil Servants.*—That it is in the interests of the Imperial Government, and also of the Governments of the Oversea Dominions, that an interchange of selected officers of the Civil Services should take place from time to time, with a view to the acquirement of better knowledge for both services with regard to questions that may arise affecting the respective Governments."

3850

No. 320.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received February 7, 1911.)

SIR, General Post Office, London, 6th February, 1911.
WITH reference to your letter, No. 34791, dated the 10th December, 1910,* on the subject of a resolution to be moved by the Government of New Zealand at

* No. 319.

the Imperial Conference of this year dealing with the interchange of Civil Servants. I am directed to state, for the information of the Secretary of State, that it does not appear to the Postmaster-General that the New Zealand resolution is intended to apply mainly, if at all, to the loan of Imperial officers to a Dominion Government for some special purpose, such as to carry out in the Dominion work of which the Civil Servants there may not have had equal experience, nor to the visits of Civil Servants from the Dominions to this country for the purpose of studying the methods adopted in dealing with any particular department of public business and of acquiring knowledge of English life and conditions. For officers thus lent or so visiting arrangements could, as pointed out by Mr. Secretary Harcourt, doubtless be made without raising any difficulties as to conditions of service, control, pay, pension, &c., which would inevitably arise in adopting any fixed scheme.

2. The resolution seems to contemplate that there should always be some officers of the Civil Service of the United Kingdom in the Dominions, not so much for some purpose of the Governments of the Dominions as that they may acquire knowledge which will be of value to the Imperial Government in dealing with questions of interest to both Governments. Similarly, it is no doubt considered that the advantage of officers of the Dominions' Civil Service being temporarily employed in the United Kingdom would be not only that they should get to know British views on such questions, but also that they should have the opportunity of imparting Dominion ideas.

3. The proposal is an extension of the idea, which Mr. Herbert Samuel understands to have been to some extent adopted, for an interchange of military officers between the Mother Country and self-governing Colonies. But the conditions governing the two questions are essentially different. While the military forces of the Dominions and the United Kingdom must contemplate the possibility of acting in close co-operation in some future emergency, as they have done in the past, and for this purpose must aim at some uniformity in organization, training, and equipment, it is scarcely possible to conceive the necessity arising for branches of the Civil Service in different parts of the Empire having to work in intimate and detailed connection, and it is probably best to leave these branches to develop appropriately to the special conditions of the lands where they serve.

4. No doubt it is advantageous that administrations throughout the Empire should keep themselves informed of the progress each is making, but this can be done more effectively and simply than by an interchange of members. It is difficult to conceive that any real advantage would be gained by surveyors of customs, commissioners of taxes, inspectors of schools, governors of prisons, and postmasters, or even by higher administrative officers in the several departments being employed for a time in the Dominions or by the converse arrangement, while there is no doubt that such employment would involve considerable expenditure for passages and allowances, breaks in continuity of work prejudicial to the office or department affected, and the creation of difficult problems connected with the conditions of service of the officers concerned.

5. In the special case of the Post Office, it may be pointed out that the postal and telegraph systems of this country are naturally more developed and complex than those of Canada, Australia, and South Africa, and consequently work in the Dominions would not be particularly good training for employment in corresponding positions here. Telephonic communications have, it is true, been greatly developed in Canada, but are, of course, not controlled by the Government there.

6. It is possible that the new Zealand Government have in mind some much more restricted plan, such as that each of the Dominions should lend to the Imperial Government one or two selected Civil Servants to be placed in positions of some responsibility, e.g., Higher Division Clerkships in the Colonial Office, and that officers of similar rank, borrowed from the Imperial Civil Service, should be given corresponding positions in those departments in the Dominions of which the work is most connected with Imperial questions. There would seem to be some advantages in such a plan, which is one, however, which would scarcely concern the Post Office.

7. I am to add that under existing conditions the Postmaster-General finds that in postal questions affecting the Imperial Government of any of the Dominions he can invariably count on valuable assistance from the postal authorities concerned,

and that for his part Mr. Herbert Samuel is anxious always to co-operate with the postal administrations either in the manner referred to by Mr. Harcourt in your letter or in any other way that lies in his power.

I am, &c.,
MATTHEW NATHAN.

3850

No. 321.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 322.]

SIR,

Downing Street, 10 February, 1911.

WITH reference to the letter from this department of the 10th of December last,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, a copy of a letter† from the General Post Office relative to a resolution dealing with the interchange of civil servants which is to be moved by the Government of New Zealand at the forthcoming Imperial Conference.

Mr. Harcourt would be glad if the Board of Trade would furnish him at an early date with an expression of their views with regard to the resolution.

I am, &c.,
H. W. JUST.

4922

No. 322.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 15 February, 1911.)

SIR,

Board of Trade, 13th February, 1911.

I AM directed by the Board of Trade to state that they have had under consideration your letters of the 10th December and 10th February,‡ relative to a resolution proposed to be moved by the Government of New Zealand at the Imperial Conference of 1911 dealing with the interchange of civil servants between the Imperial Government and the Governments of the oversea Dominions.

I am now to request you to be so good as to state to Mr. Secretary Harcourt that, so far as the officers in this Department are concerned, the Board of Trade are willing to accept the general principle affirmed in Sir Joseph Ward's resolution.

The Board agree with Mr. Harcourt that it would not be easy to arrange for any fixed scheme of interchange. They would, however, be quite prepared, as Mr. Harcourt assumes, to afford every facility to any officers who might be deputed to visit this country with a view to acquiring information with regard to matters dealt with by this Department.

I have, &c.,
H. LLEWELLYN SMITH.

4922

No. 323.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 146.)

(New Zealand. No. 75.)

(Australia. No. 103.)

(Newfoundland. No. 40.)

(South Africa. No. 106.)

MY LORD,

Downing Street, 3 March, 1911.

SIR,

WITH reference to my despatch, No. [38] [25] [30] [17] [8], of the 20th January,§ forwarding the Agenda for the Imperial Conference, I have the honour

* No. 319.

† No. 320.

‡ Nos. 319 and 321.

§ No. 6 in [Cd. 5513].

to transmit to [Your Excellency] [you], to be laid before your Ministers, the accompanying copies of a memorandum which has been prepared in this department with regard to the resolution to be moved by the Government of New Zealand as to the interchange of civil servants.

2. This memorandum will form a convenient basis for the discussion of the question at the Conference.

I have, &c.,
L. HARCOURT.

Enclosure in No. 323.

MEMORANDUM BY THE COLONIAL OFFICE.

The following resolution is proposed to be submitted to the Imperial Conference by the Government of New Zealand:—

"That it is in the interests of the Imperial Government, and also of the Governments of the oversea Dominions, that an interchange of selected officers of the Civil Service should take place from time to time with a view to the acquirement of better knowledge for both services with regard to questions that may arise affecting the respective Governments."

At the Colonial Conference of 1907 Mr. Deakin, on behalf of Australia, moved a resolution that the Secretary of State should be invited to frame a scheme which would create opportunities for members of the permanent staff of the Colonial Office to acquire more intimate knowledge of the circumstances and conditions of the Colonies with whose business they had to deal whether by appointments, temporary interchanges, or periodical visits of officers or similar means. This resolution was discussed (see p. 611, *et seq.*, of [Cd. 3523]), and Lord Elgin, in his statement (p. 619), after observing that Mr. Deakin's remarks had been put more as an invitation to consider the subject than anything else, pointed out that in view of the method of recruiting adopted in the Civil Service in the United Kingdom and of other considerations it might perhaps be difficult to arrange exchanges on an equal footing. As the affairs of the Dominions would, under the new scheme of organisation, be entrusted to a separate Department, this difficulty would be enhanced. Interchanges would, in any case, probably mean increased staff. Opportunities had occurred, and would occur again, for sending officers on temporary missions oversea. Some misapprehension might exist as to the functions of the Colonial Office, which, in relation to the Dominions, had nothing to do with the local administration of affairs, but dealt with business which depended more on principles than local characteristics. It was not certain that for business of this class it was absolutely necessary that the responsible officials should travel, and if they did travel, they must travel to more Dominions than one. Lord Elgin added that he was not certain that Mr. Deakin's views did not point rather to an exchange of Ministers and not of permanent officials.

The difficulties alluded to by Lord Elgin, which are difficulties as regards class of appointment, pension, passages, &c., have rendered it impossible in practice to arrange for any system of interchange of officials as between the Colonial Office and the Dominions. But, in accordance with the suggestion, which met with approval at the Conference of 1907, that it would be desirable that visits should take place from time to time of the staff of the Colonial Office in order to enable them to acquire personal knowledge of the Dominions, Sir Charles Lucas, Head of the Dominions Department, was sent out to Australia and New Zealand in 1909; and Mr. Just, Secretary to the Imperial Conference, was similarly sent out to Canada in 1910. It should be added that one junior member of the Department is at present acting as Secretary to the Governor-General of Canada, and another as Assistant Private Secretary to the Governor-General of the Union of South Africa. The corresponding action on the part of the Dominions would appear to be to send officials to this country temporarily, and to attach them to the offices of the High Commissioners.

The resolution which is now to be moved on behalf of the Government of New Zealand is wider in terms than that above noticed, and appears to contemplate interchange with other Departments of State in this country, and not merely with the

Colonial Office. The Departments which most naturally suggest themselves in this connexion are the Board of Trade and the General Post Office, and the views of these Departments have accordingly been ascertained.

The Board of Trade have expressed themselves as willing to accept the general principle affirmed in the resolution; they consider, however, that it would not be easy to arrange for any fixed scheme of interchange, while stating that they would be quite prepared to afford every facility to any officers who might be deputed to visit this country with a view to acquiring information as to matters dealt with in the Board of Trade. It will be remembered that the Board of Trade is represented in the Dominions by Trade Commissioners, who keep the Board fully informed on local, commercial, and industrial conditions.

The Postmaster-General observes that the New Zealand resolution does not appear to be intended to apply mainly, if at all, to the loan of Imperial officers to a Dominion Government for a special purpose, such as to carry out in a Dominion work of which the Civil Servants may not have had equal experience, nor to the visits of Civil Servants from the Dominions to this country for the purpose of studying methods adopted in dealing with any particular department of public business, and of acquiring knowledge of English life and conditions. For officers thus lent arrangements could be made without raising any difficulties as to conditions of service, control, pay, pension, &c., which would inevitably arise in adopting any fixed scheme.

It appears to be contemplated that there should always be some officers of the Civil Service of the United Kingdom in the Dominions, and *vice versa*, not so much for some purpose of the Governments of the United Kingdom or the Dominions as that they may acquire knowledge and experience which will be of value to the respective Governments in dealing with questions which mutually interest them.

The proposal is an extension of the idea for an interchange of military officers between the United Kingdom and the self-governing Dominions. The conditions governing the two questions are, however, essentially different. While the military forces of the Dominions and the United Kingdom must contemplate the possibility of acting in close co-operation in some future emergency as they have done in the past, and for this purpose must aim at some uniformity in organisation, training and equipment, it is scarcely possible to conceive the necessity arising for branches of the Civil Service in different parts of the Empire having to work in intimate and detailed connection, and it is probably best to leave these branches to develop appropriately to the special conditions of the lands where they serve.

It is, no doubt, advantageous that administrations throughout the Empire should keep themselves informed of the progress each is making; but this can be done more effectively and simply than by an interchange of members. It is difficult to conceive that any real advantage would be gained by surveyors of Customs, commissioners of taxes, inspectors of schools, governors of prisons, and postmasters, or even by higher administrative officers in the several Departments being employed for a time in the Dominions or by the converse arrangement, while there is no doubt that such employment would involve considerable expenditure for passages and allowances, breaks in continuity of work prejudicial to the office or Department affected, and the creation of difficult problems connected with the conditions of service of the officers concerned.

In the special case of the Post Office, it may be pointed out that the postal and telegraph systems of this country are naturally more developed and complex than those of Canada, Australia, and South Africa. Telephonic communications have, it is true, been greatly developed in Canada, but are, of course, not yet controlled by the Government there.

Under existing conditions the Postmaster-General finds that in postal questions affecting the Imperial Government or any of the Dominions he can invariably count on valuable assistance from the Postal Authorities concerned, and he is anxious always to co-operate with the Postal Administrations in any way that lies in his power.

Colonial Office,
21 February, 1911.

(b) Officers of His Majesty's Forces.

28121

No. 324.

WAR OFFICE to COLONIAL OFFICE.

(Received September 10, 1910.)

[Answered by L.F.F. transmitting copy of Nos. 325, 327, 328, and 329.]
(Confidential.)

Sir,

War Office, London, S.W., 31st August, 1910.

In pursuance of the recommendations submitted by the Sub-Conference on Military Defence appointed by the representatives of the self-governing Dominions at the Imperial Defence Conference of 1909, I am commanded by the Army Council to forward, for the information of the Earl of Crewe, the enclosed Memorandum* on the subject of loans, attachments, and interchanges of and between officers of the Regular Army and officers of the forces of the oversea Dominions, and to request that, with the approval of his Lordship, this memorandum may be submitted to the Ministers of the respective self-governing Dominions for their consideration and concurrence.

I am, &c.,
E. W. D. WARD.

28121

No. 325.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to War Office, 17 September, 1910. L.F.]

[Answered by Nos. 329, 327, and 328.]

(Canada.)
(Australia.)

(South Africa.)
(New Zealand.)

(Confidential.)

My Lord,

Sir,

Downing Street, 17 September, 1910.

With reference to the proceedings of the Conference on Naval and Military Defence held in 1909, I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, the accompanying copies of a memorandum† on the subject of loans, attachments, and interchanges of and between officers of the Regular Army and officers of the forces of the oversea Dominions.

2. I shall be glad to learn in due course whether your Ministers concur in the proposals made in this memorandum, and whether there are any observations which they desire to offer upon it.

I have, &c.,
CREWE.

28121

No. 326.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Confidential.)

Sir,

Downing Street, 17 September, 1910.

With reference to the Conference on Military Defence held in 1909, I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a despatch‡ which I have addressed to the Governors-General of

* Not reprinted.

† Not reprinted (enclosure in No. 324).

‡ No. 325.

Canada, the Commonwealth of Australia, and the Union of South Africa, and the Governor of New Zealand, on the subject of the interchange of officers of the regular army and officers of the forces of those Dominions.

I have, &c.,
CREWE.

3678

No. 327.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4 February, 1911.)

[Copy to War Office, 17 February, 1911. L.F.]

(Confidential (1).)

Sir,

Government House, Cape Town, 18 January, 1911.

With reference to your confidential despatch of the 17th September,* I have the honour to transmit, for your information, a copy of a minute from my Ministers on the subject of loans, attachments, and interchanges of and between officers of the Regular Army and officers of the forces of the oversea Dominions.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 327.

(Confidential.)

(Minute. No. 49.)

Union of South Africa, Prime Minister's Office, Cape Town,
16 January, 1911.

Ministers have the honour to acknowledge receipt of His Excellency the Governor-General's Confidential Minute 1/47, of the 13th October, 1910, and, in reply, to state that the contents of the memorandum by the Chief of the General Staff, dated 31st August, 1910, have been carefully noted.

2. It is clear that, under existing circumstances, and until the organisation of a defence system for the Union is taken in hand, and has made some progress, Ministers are not in a position to gauge what will be the actual requirements of the Union Defence Forces in relation to the Regular Army on the subject of the loan, attachment, or interchange of officers.

The memorandum, however, affords valuable information as to the points which will have to be considered, and Ministers will not fail to bear these points carefully in mind.

LOUIS BOTHA.

4754

No. 328.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 13 February, 1911.)

[Copy to War Office, 21 February, 1911. L.F.]

(Confidential.)

Sir,

Government House, Wellington,

6th January, 1911.

With reference to Lord Crewe's despatch (confidential) of the 17th September, 1910,* regarding the interchange of military officers, I have the honour to inform

* No. 325.

you that the communication has been receiving the consideration of my Ministers, who concur in the proposals contained therein.

2. The observations of my Government upon the memorandum received with the despatch will be submitted later.

I have, &c.,
ISLINGTON,
Governor.

8919

No. 329.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 20 March, 1911.)

[Copy to War Office, 28 March, 1911. L.F.]

(Confidential.)

SIR, Government House, Ottawa, 8 March, 1911.
With reference to your confidential despatch of the 17th September last,* covering copies of a memorandum on the subject of loans, attachments, and interchanges of and between officers of the regular army and officers of the forces of the overseas Dominions, I have the honour to forward, herewith, for transmission to the War Office, copies of an approved minute of His Majesty's Privy Council for Canada stating that the Minister of Militia and Defence is in general accord with, and accepts, the principles and provisions contained in the memorandum.

I have, &c.,
GREY.

Enclosure in No. 329.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 3rd March, 1911.

(P. C. 2591.)

The Committee of the Privy Council have had before them a report, dated 17th December, 1910, from the Secretary of State for External Affairs, to whom was referred a confidential despatch, dated 17th September, 1910, from the Right Honourable the Principal Secretary of State for the Colonies, transmitting copies of a memorandum on the subject of loans, attachments, and interchanges of and between officers of the Regular Army and officers of the forces of the overseas Dominions.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to inform the Right Honourable the Principal Secretary of State for the Colonies that the Minister of Militia and Defence is in general accord with, and accepts, the principles and provisions contained in the memorandum enclosed in the said despatch of the Right Honourable the Principal Secretary of State for the Colonies of the 17th September, 1910.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

* No. 325.

18.

Defence.

927

No. 330.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 8 January, 1910.)

[Copy to Admiralty, 15 January, 1910. L.F.]

(No. 107.)

MY LORD,

Wellington, 2nd December, 1909.

I HAVE the honour to acknowledge your Lordship's despatch, No. 47, of the 26th February last,* enclosing a copy of a letter from the Admiralty, setting forth the results of the careful examination which had been made with reference to the desire of the New Zealand Government to obtain a vessel for training purposes.

2. My Ministers desire me to express the thanks of the Government of this Dominion for the information kindly furnished in the letter from the Admiralty, and to inform you that, acting on the advice of their Lordships, it has been decided not to obtain a training ship at present.

I have, &c.,
PLUNKET,
Governor.

3297

No. 331.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.20 a.m., 1st February, 1910.)

TELEGRAM.

[Copy to Commonwealth Representative, 2 February, 1910. L.F.]

Have received minute from Ministers to following effect:—

As the three destroyers now in course of construction Fairfield's and Denny's will form part of Australian fleet unit, Commonwealth Government would be glad if you can arrange for immediate and continuous Admiralty inspection to ensure that vessels are equal to their proposed service and fit to take their place with rest of unit to be built under Admiralty supervision.

—DUDLEY.

6252

No. 332.

ADMIRALTY TO COLONIAL OFFICE.

(Received 2 March, 1910.)

SIR,

Admiralty, 1st March, 1910.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you that they have had under their consideration your letter (No. 41925) of the 31st December,† forwarding copy of a telegram from the Commonwealth Government to the effect that the Government propose to build three of the destroyers for the

* No. 104 in Dominions No. 7.

† No. 113 in Dominions No. 11.

Australian Navy in Australia, and desire to have the views of the Admiralty on the matter.

2. In reply, I am to request that you will inform the Secretary of State for the Colonies that it is difficult for their Lordships to give any definite opinion as to the feasibility of building vessels of this type in Australia in the absence of detailed information regarding the yards at which the destroyers will be built, their equipment and capacity for the special work of constructing destroyers, and the experience of the staff in building generally.

3. If the Commonwealth Government concurs my Lords will, however, instruct the Commander-in-Chief on the station to detail an officer to report on the equipment of the shipbuilding yards in Australia to which the Government might propose to give orders for the construction of the destroyers. This would enable some opinion to be formed as to the practicability of vessels of this class being built locally, and the special arrangements which might have to be made for the purpose.

4. If time permitted of the completion of the destroyer now being built in parts in this country soon enough, my Lords would have suggested that this destroyer should be first put together and completed in Australia before new vessels were taken in hand, and in the meanwhile any necessary additions to the staff or plant of the yards in Australia could have been collected. It is understood, however, that the parts are not likely to be sent out before next July.

5. It is important that the process of building should be supervised by a constructive officer experienced in overseeing the construction of vessels of this class, and my Lords will be prepared, if desired by the Commonwealth Government, to lend the services of a naval constructor for that purpose, provided that satisfactory arrangements can be made as to the terms of his temporary employment.

As regards the type of the destroyers to be built by Australia subsequently, my Lords desire me to state that the adoption of a design similar to that of the destroyers now under construction for the Commonwealth Government in England would secure interchangeability of fittings and simplify matters from a constructional as well as from an administrative point of view. This is, in their Lordships' judgment, an important matter. If, however, the question had to be decided free from the consideration that destroyers of one design are already under construction, their Lordships would recommend the construction of torpedo-boat destroyers of the type now being built for the Admiralty.

I am, &c.,
C. I. THOMAS.

7291

No. 333.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 335.]

SIR,

Downing Street, 16 March, 1910.

WITH reference to the letter from this Department of the 18th January last,* forwarding the New Zealand Naval Defence Bill,† I am directed by the Earl of Crewe to transmit to you, for the information of the Lords Commissioners of the Admiralty, the accompanying copy of the Act, No. 9, of 1909, of the Parliament of New Zealand entitled "An Act to make Provision for the Gift of a Ship of War to His Majesty the King."

2. Subject to any observations which their Lordships may desire to offer, Lord Crewe proposes to inform the Governor that His Majesty will not be advised to exercise his power of disallowance with respect to this Act.

3. It is requested that the Act, which is the only copy available, may be returned to this office with your reply. Copies of the Act, when available, will be forwarded to you.

I am, &c.,
C. P. LUCAS.

* Not printed.

† The Act is printed at p. 52 of [Cd. 5135], May, 1910.

Enclosure in No. 333.

NEW ZEALAND.

ARBO NODO

EDWARD VII. REGIS.

No. 9.

(L.S.)

ANALYSIS.

Title.

Preamble.

1. Short Title.
2. Minister of Finance may enter into contract for building a ship of war.
3. Cost not to exceed £2,000,000.
4. Ship to form part of Royal Navy.
5. Minister may raise loans not exceeding £2,000,000 for purposes of this Act. Application of moneys so raised.
6. New Zealand Loans Act, 1908, applied.
7. Sinking fund for repayment of loan.

AN ACT TO MAKE PROVISION FOR THE GIFT OF A SHIP OF WAR TO HIS MAJESTY THE KING. Title.

Whereas by virtue of the Naval Subsidy Act, 1908, an annual sum of one hundred thousand pounds is now payable out of the revenues of the Dominion of New Zealand towards the cost of the maintenance of the Royal Navy; and whereas it is just and fitting that a larger part in the naval defence of the Empire should be assumed and borne by that Dominion; We, Your Majesty's dutiful and loyal subjects, the House of Representatives of New Zealand in Parliament assembled, have resolved freely to give and grant to Your Majesty a ship of war, to the intent that it shall form part of the Royal Navy, and serve, under the control of the Lords of the Admiralty, in the defence of Your Majesty's Dominions; and we do therefore most humbly beseech Your Majesty that it may be enacted:

And be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Naval Defence Act, 1909.
2. The Minister of Finance is hereby empowered to contract, on such terms as he thinks fit, either with the Commissioners for executing the office of Lord High Admiral of the United Kingdom or with any other person or persons, for the building and complete arming and equipment in the United Kingdom of a ship of war.
3. The total cost of the said ship of war, including the cost of the equipment and arming thereof, shall not exceed two million pounds.
4. The said ship of war shall be the property of His Majesty the King in respect of the Government of the United Kingdom, and shall after the delivery of the possession thereof to the Lords of the Admiralty of the United Kingdom form part of the Royal Navy, free from any control or authority exercisable by the Parliament or Executive Government of New Zealand.
- 5.—(1) For the purpose of providing all moneys that may be required for the purpose of so building, arming, and equipping the said ship of war, the Minister of Finance is hereby empowered to raise from time to time, on the security of and charged upon the public revenues of New Zealand, such sums of money (not exceeding in the whole the sum of two million pounds) as he thinks fit.

(2) The sums so raised shall bear interest at such rate (not exceeding three and a half per centum per annum) as the Minister of Finance prescribes.

(3) All sums so raised shall, as and when raised, be paid into the Consolidated Fund to the credit of a separate account to be called "the Naval Defence Act Account," and shall from time to time be applied by the Minister of Finance, without further authority than this Act, to the purposes for which those sums were so raised as aforesaid.

Preamble.

Short Title
Minister
of Finance
may enter
into con-
tract for
building
a ship of
war.

Cost not
to exceed
£2,000,000.

Ship to
form part
of Royal
Navy.

Minister
may raise
loans not
exceeding
£2,000,000
for pur-
poses of
this Act.

Applica-
tion of
moneys so
raised.

New Zealand Loans Act, 1908, applied.
Sinking fund for repayment of loan.

6. This Act shall be deemed to be an authorising Act within the meaning of the New Zealand Loans Act, 1908, and the moneys hereinbefore authorised to be raised shall be raised under and subject to the provisions of that Act accordingly.

7. (1) For the purpose of providing a sinking fund for the repayment of any loan raised under the foregoing provisions of this Act, the Minister of Finance shall in each financial year, without further authority than this Act, pay out of the Consolidated Fund to the Public Trustee a sum equal to four per centum of the capital sum which at the commencement of that financial year is owing in respect of any such loan.

(2) All sums so paid to the Public Trustee shall be credited by him to an account to be called "the Naval Defence Act Sinking Fund," and shall, together with all interest and other profits derived therefrom, be invested by him on such securities as are from time to time authorised by the Governor in Council in that behalf; and any such investments may from time to time be changed as the Public Trustee thinks fit.

(3) The Public Trustee shall, whenever so required by the Minister of Finance, render to him an account of all moneys forming part of the said sinking fund and all securities for the same.

(4) The Public Trustee shall hold the sinking fund so created, together with all interest and other profits derived therefrom and accumulated at compound interest, in trust to apply the same in repayment of loans raised under the foregoing provisions of this Act as and when any such loan becomes repayable.

(5) An annual statement of the securities in which such sinking fund is invested shall be laid before Parliament within fourteen days after the commencement of each session.

Examined and certified:

L. STOWE,
Clerk of Parliaments.

In the name and on behalf of His Majesty, I hereby assent to this Act, this twenty-fourth day of December, 1909.

PLUNKET,
Governor.

7292

No. 334.

NEW ZEALAND.

COLONIAL OFFICE to WAR OFFICE.

[Answered by 21440: not printed (see No. 240).]

SIR, Downing Street, 16 March, 1910.
WITH reference to the letter from this Department of 5th ultimo,* forwarding the New Zealand Defence Bill, I am directed by the Earl of Crewe to transmit to you, to be laid before the Army Council, the accompanying copy of the Act, No. 28 of 1909 of the Parliament of New Zealand, entitled, "The Defence Act, 1909."†

2. It will be observed from Section 26 of this Act that members of the Territorial Force when serving in any place outside New Zealand shall become subject to the provisions of the Army Act.

3. Subject to any observations which the Army Council may desire to offer, Lord Crewe proposes to inform the Governor that His Majesty will not be advised to exercise his power of disallowance with respect to this Act.

4. It is requested that the Act, which is the only copy available, may be returned to this Department with your reply. Further copies of the Act will be supplied to you as soon as they are received from New Zealand.

I am, &c.,
C. P. LUCAS.

* Not printed.

† Printed at page 52 of [Cd. 5135], May, 1910.

9172

No. 335.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 29 March, 1910.)

[Answered by L.F. transmitting copy of No. 336.]

SIR,

Admiralty, 26th March, 1910.

WITH reference to your letter of the 16th instant, No. 7291/1910,* transmitting a copy of the Act, No. 9, of 1909, of the Parliament of New Zealand, entitled "An Act to make provision for the Gift of a Ship of War to His Majesty the King," I am commanded by my Lords Commissioners of the Admiralty to request that you will inform the Secretary of State for the Colonies that they concur in the reply which he proposes to send to the Governor of New Zealand, i.e., that His Majesty will not be advised to exercise his power of disallowance with respect to this Act.

The copy of the Act is returned herewith as requested, and it is noted that further copies will be forwarded to this Department when available.

I am, &c.,
W. GRAHAM GREENE.

9172

No. 336.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Admiralty, 16 April, 1910. L.F.]

(No. 81.)

MY LORD,

Downing Street, 15 April, 1910.

I HAVE the honour to acquaint you, for the information of your Ministers, that His Majesty will not be advised to exercise his power of disallowance with regard to the Act 9 Ed. VII., No. 9, of the Parliament of New Zealand,† entitled "An Act to make provision for the Gift of a Ship of War to His Majesty the King," transcripts of which accompanied your despatch, No. 6, of the 27th of January.‡

2. At the same time I have to request that you will convey to your Ministers an expression of the sincere appreciation with which His Majesty's Government regard the generous action of the Government and people of New Zealand in spontaneously making such an addition to the strength of His Majesty's naval forces.

I have, &c.,
CREWE

19205

No. 337.

CANADA.

CHAP. 43.

AN Act respecting the Naval Service of Canada.

[Assented to 4th May, 1910.]

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as The Naval Service Act.

Short title

* No. 333.

† Enclosure in No. 333.

‡ Not printed.

INTERPRETATION.

2. In this Act, and in any regulations made hereunder, unless the context otherwise requires,—

Definitions.	
"Active Service."	(a) "Active Service," as applied to a person in the Naval Forces, means service or duty during an emergency;
"Department."	(b) "Department" means the Department of the Naval Service;
"Deputy Minister."	(c) "Deputy Minister" means the Deputy Minister of the Naval Service;
"Emergency."	(d) "emergency" means war, invasion or insurrection, real or apprehended;
"General orders."	(e) "general orders" means orders and instructions issued to the Naval Forces by the authority of the Minister;
"Minister."	(f) "Minister" means the Minister of the Naval Service;
"Naval establishment."	(g) "naval establishment" includes officers' quarters, barracks, dockyards, victualling yards, naval yards, factories, rifle and gun ranges, naval colleges, and all other buildings, works and premises under the control of the Minister, constructed or set apart for the Naval Service;
"Naval Forces."	(h) "Naval Forces" means those naval forces organized for the defence and protection of the Canadian coasts and trade, or engaged as the Governor in Council may from time to time direct;
"Naval Service."	(i) "Naval Service" includes His Majesty's service in respect of all naval affairs of which by this Act the Minister is given the control and management, and also the Fisheries Protection Service, Hydrographic Survey, tidal observations on the coasts of Canada, and wireless telegraph service;
"Officer."	(j) "officer" includes commissioned, warrant and subordinate officers serving in the Naval Service of Canada, but not petty officers so serving;
"Prescribed."	(k) "prescribed" means prescribed by this Act or by regulations made thereunder;
"Regulations."	(l) "regulations" means regulations made by the Governor in Council under the authority of this Act;
"Seaman."	(m) "seaman" includes petty officers, seamen, and all other persons engaged in the Naval Service of Canada, other than officers;
"On service."	(n) "on service" means when called upon for the performance of any duties other than those specified as active service.

3. The Interpretation Act and Section 2 of this Act shall apply to all regulations, orders and articles of engagement made or entered into under this Act.

COMMAND IN CHIEF.

4. The Command in Chief of the Naval Forces is declared to continue and be vested in the King, and shall be exercised and administered by His Majesty, or by the Governor-General as his representative.

DEPARTMENT OF THE NAVAL SERVICE.

5. There shall be a Department of the Government of Canada, which shall be called the Department of the Naval Service, over which the Minister of Marine and Fisheries for the time being shall preside, and he shall be the Minister of the Naval Service.

6. The Governor in Council may also appoint an officer, who shall be called the Deputy Minister of the Naval Service, who shall be the deputy head of the Department, and may also appoint such other officers and clerks as are requisite for the due administration of the business of the Department, each of whom shall hold office during pleasure.

(2.) The Governor in Council may transfer to the Department of the Naval Service any officer, clerk, or employee of the Department of Marine and Fisheries whether or not such officer, clerk, or employee is at present connected with any one of the branches of the Department of Marine and Fisheries which is by this Act transferred or assigned to the Department of the Naval Service, and the money voted by Parliament for the financial year ending the thirty-first day of March, one thousand nine hundred and eleven, applicable to the payment of the salary

or the increase of salary of any such officer, clerk, or employee shall be available for the payment of his salary or increase of salary in the Department of the Naval Service in the same manner and to the same extent as if such officer, clerk, or employee had not been so transferred.

ADMINISTRATION.

7. The Minister shall have the control and management of all naval affairs, including the purchase, maintenance, and repair of the ordnance, ammunition, arms, armouries, stores, munitions, and habiliments of war intended for the use of the Naval Service.

8. The Minister shall have the control and management, including the construction, purchase, maintenance, and repair, of naval establishments and of ships and other vessels for the Naval Service.

9. There shall be appointed an officer, not lower in rank than Rear-Admiral, to be called the Director of the Naval Service of Canada. If a suitable officer of such rank is not available then an officer of the rank of captain may be appointed, who shall have the rank of Commodore of the first class.

(2.) The Director of the Naval Service of Canada shall, subject to the regulations and under the instructions of the Ministers, be charged with the direction of the Naval Service.

10. The Governor in Council may appoint a Naval Board to advise the Minister on all matters relating to naval affairs which are referred to the Board by the Minister.

(2.) The composition, procedure, and powers of the Board shall be as prescribed.

11. The Governor in Council may organize and maintain a permanent naval force.

12. The Governor in Council may authorize the engagement of officers and seamen in the Naval Service upon such terms and conditions as may be prescribed, and may from time to time fix the maximum number that may be so engaged.

(2.) Every officer and seaman shall take and subscribe the following oath upon engaging to serve in the Naval Service:—

"I, A.B., do sincerely promise and swear (or, solemnly declare) that I will be faithful and bear true allegiance to His Majesty."

(3.) Such oath may be administered by any commissioned officer in the Naval Service.

13. The rank and authority of officers in the Naval Service shall be as prescribed.

14. The commissions of officers in the Naval Service shall be granted by His Majesty during pleasure, and all warrant, subordinate and petty officers shall be appointed in such manner and shall hold such rank and perform such duties as may be prescribed.

15. The Governor in Council may at any time relieve from duty any officer or seaman in the Naval Service.

16. Any person who has voluntarily engaged in the Naval Service shall be entitled to be discharged at the expiration of the time of service for which he engaged, unless such expiration occurs in time of emergency, in which case he shall be liable to serve for a further period of not more than twelve months, and for such further service he shall not be entitled to any increase of pay unless, in the opinion of the Governor in Council, the circumstances of the case and the conduct of the person concerned merits it.

17. The uniform, arms, clothing, and equipment of the Naval Service shall be of such patterns and designs as are prescribed, and where supplied at the public cost shall be issued as may be prescribed.

18. Officers of the Naval Service shall provide their own uniforms and equipment, with the exception of officers of torpedo vessels and of the submarine service, to whom special clothing may be issued as prescribed.

Adminis-
tration of
all naval
affairs by
Minister.

Control
of naval
estab-
lishments.

Director of
the Naval
Service.

Duties.

Naval
Board.

Consti-
tution of
Board.

Permanent
Naval
Force.

Engage-
ment of
officers and
seamen.

Oath of
allegiance.

Adminis-
tration of
oath.

Rank of
officers.

Commis-
sions and
appoint-
ments of
officers.

Relief
from duty.

Conditions
of dis-
charge
from
service.

Uniforms
and equip-
ment.

Uniforms
and equip-
ment of
officers.

NAVAL RESERVE.

Constitution of Naval Reserve.

Regulations.

War service period.

Volunteers.

Extension of service, and increase of pay for merit.

19. The Naval Reserve Force shall consist of such persons as join the said reserve after naval service or after undergoing such training as may be prescribed. All members of the said reserve shall be liable to active service upon an emergency.

20. The Governor in Council may make regulations for the government of the Naval Reserve Force.

21. In time of war no officer or seaman in the Naval Reserve Force shall be required to serve continuously for a longer period than one year; but any officer or seaman who volunteers to serve for the war, or for any longer period than one year, may be compelled to fulfil his engagement: Provided, however that the Governor in Council may, in case of unavoidable necessity (of which necessity the Governor in Council shall be the sole judge), call upon any officer or seaman to continue to serve beyond his one year's service for any period not exceeding six months, and for such further service he shall not be entitled to any increased rate of pay, unless, in the opinion of the Governor in Council, the circumstances of the case and the conduct of the person concerned merits it.

ACTIVE SERVICE.

Active service.

Naval service may be at disposal of His Majesty in emergency.

Parliament to meet when Naval Service on active service.

Possession may be taken of shipyards, plants and buildings.

Duration of possession.

Compensation.

Existing contracts may be enforced by His Majesty.

22. The Governor in Council may place the Naval Forces or any part thereof, on active service at any time when it appears advisable so to do by reason of an emergency.

23. In case of an emergency the Governor in Council may place at the disposal of His Majesty, for general service in the Royal Navy, the Naval Service, or any part thereof, any ships or vessels of the Naval Service, and the officers and seamen serving in such ships or vessels, or any officers or seamen belonging to the Naval Service.

24. Whenever the Governor in Council places the Naval Service or any part thereof on active service, as provided in the two preceding sections, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall issue for a meeting of Parliament within fifteen days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit in like manner as if it had stood adjourned or prorogued to the same day.

25. When the Governor in Council declares that an emergency has arisen in which it is expedient for the public service that His Majesty should have control of any dock, shipyard, pier, wharf, machine shop, repairing or salvage plant, factory, warehouse, store, or other building the Minister may, by warrant under his hand, empower any person named in such warrant to take possession thereof in the name and on behalf of His Majesty, and to use it for the service of His Majesty in such manner as the Minister directs, and all persons, officers, servants and employees employed thereon shall obey the directions of the Minister in connection with the management or operation thereof.

(2.) Such warrant shall remain in force so long as, in the opinion of the Minister, the emergency exists.

(3.) There shall be paid to any person whose property is taken possession of in pursuance of this section, out of moneys to be provided by Parliament, such full compensation for any loss or injury he so sustains as is agreed upon between the Minister and the said person, or, in case of difference, as is fixed upon reference to the Exchequer Court of Canada.

(4.) Where any property is taken possession of under the provisions of this section all contracts and agreements between the persons whose property is so taken possession of and the directors, officers, and servants of such person or between such person and any other person in relation to the working or maintenance of such property which would, if such possession had not been taken, have been enforceable by the said person shall, during the continuance of such possession, be enforceable by His Majesty.

NAVAL VOLUNTEER FORCE.

Naval Volunteer Force.

26. The Governor in Council may organize and maintain a force to be called the Naval Volunteer Force.

27. The Naval Volunteer Force shall consist of officers and seamen raised by voluntary engagement from among seafaring men and others who may be deemed suitable for the service in which such volunteers are to be employed.

28. The Governor in Council may make regulations for the government of the Naval Volunteer Force.

29. Every naval volunteer shall be engaged for the term of three years and, provided his conduct and qualifications are satisfactory, shall be eligible for re-engagement for further periods of three years up to the age of forty-five years; at the expiration of each term he shall be entitled to his discharge, save as herein-after mentioned.

30. Naval volunteers shall receive such training and capitation or other remuneration as may be prescribed.

31. In an emergency the Governor in Council may order and direct that the Naval Volunteer Force, or such part thereof as may be deemed necessary, shall be called into active service, and the naval volunteers so called out shall be liable to serve under such regulations as may be prescribed.

(2.) If a naval volunteer's period of service expires while he is employed on active service, he shall be liable to serve for a further period of not more than six months, and for such further service he shall not be entitled to any increased remuneration, unless, in the opinion of the Governor in Council, the circumstances of the case and the conduct of the person concerned merits it.

NAVAL COLLEGE.

32. There shall be an institution for the purpose of imparting a complete education in all branches of naval science, tactics and strategy.

(2.) Such institution shall be known as the Naval College of Canada, and shall be located at such place as the Governor in Council may determine.

33. The Naval College shall be governed and its affairs administered under such regulations as may be made by the Governor in Council.

(2.) Such regulations shall be published in "The Canada Gazette," and upon such publication shall have the same force of law as if they formed part of this Act.

34. The Naval College shall be conducted under the superintendence of a naval officer who has special qualifications with regard to discipline and to the instruction to be given, and such professors, instructors, and assistants as are found necessary and as are authorized by Parliament.

(2.) The staff of the Naval College shall be appointed by the Governor in Council and shall hold office during pleasure.

35. Every candidate for admission to the Naval College shall be required to pass a medical examination and produce satisfactory proof of date of birth and satisfactory certificates of good character.

(2.) No candidate shall be admitted until he has passed a medical examination, and thereafter such qualifying examination as may be prescribed.

(3.) The age of candidates on admission for the Military and the Engineering branches of the Naval Service shall be as prescribed.

36. Every person admitted as a student to the Naval College shall engage to serve in the Canadian Naval Forces for such length of time and under such conditions as may be prescribed, and shall take the oath of allegiance to His Majesty.

TARGET PRACTICE.

37. The Minister may lay down targets, buoys, and other appliances for target practice by the vessels in the Naval Service, and also may provide rifle ranges suitably equipped for the use of the Naval Service at or near any port or any naval establishment.

(2.) The Governor in Council may make regulations for ensuring the safety of the public during such practice and may provide penalties for infringement of such regulations and for wilful damage to any such targets, buoys, ranges, or other appliances.

GENERAL PROVISIONS.

38. For the purpose of legal proceedings, all moneys subscribed by or for or otherwise appropriated to the use of the Naval Service, and all vessels, arms, ammunition, clothing, equipment, musical instruments, or other things belonging

Constitution.

Regulations.

Engagement and discharge.

Training and pay.

Active service in emergency.

Period of service extended, and increased remuneration for merit.

Naval College to be established.

Name and location.

Administration.

Regulations.

Superintendence of naval officer.

Staff.

Requirements for admission.

Examinations.

Age.

Period and conditions of service.

Target practice by vessels.

Regulations.

Property vested in His Majesty.

Conditions of alienation. to or used by the Naval Service, shall be deemed to be the property of His Majesty; and no gift, sale, or other alienation of any such thing by any person shall be effectual to pass the property therein without the consent of the Governor in Council.

Notice of general orders. 39. All general orders issued to the Naval Forces shall be held to be sufficiently notified to all persons whom they concern by their publication and exhibition in the vessel or naval establishment to which those concerned belong, and proof of such exhibition shall be evidence of the issue of such orders.

Proof of commissions, orders and regulations. 40. The production of a commission or appointment, warrant, or order in writing, purporting to be made under the provisions of this Act, or of regulations made hereunder, shall be *prima facie* evidence of such commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making it.

Provision for widow and family of deceased officers and seamen. 41. When any officer or seaman is killed on active service, or dies from wounds or disease contracted on active service, drill or training, or on duty, provision shall be made for his widow and family out of the public funds at the prescribed rates.

Compensation for disability. 42. Every case of permanent disability, arising from injuries received or illness contracted on active service, drill, or training, or on duty, shall be reported on by a medical board and compensation awarded, under such regulations as are made from time to time by the Governor in Council.

Transfer of vessels. 43. The Governor in Council may from time to time transfer, to or from the Naval Service any vessel belonging to His Majesty.

Application of R.S., c. 111. Fisheries protection. Hydrographic and Tidal survey. 44. The Governor in Council may from time to time direct that The Government Vessels Discipline Act shall or shall not apply to any ship or vessel in the Naval Service, or to the officers, seamen or persons engaged for service thereon. Until otherwise provided the said Act shall continue to apply to all ships and vessels in the Fisheries Protection Service and the officers and persons engaged for service thereon, and to all ships and vessels employed on the Hydrographic Survey and Tidal Survey and the officers and persons engaged for service thereon.

Regulations.

Regulations for Naval Service generally. Publication. 45. The Governor in Council may make regulations for carrying out this Act, and for the organization, training, discipline, efficiency, administration, and good government generally of the Naval Service.

46. Such regulations shall be published in "The Canada Gazette," and upon being so published they shall have the same force in law as if they formed part of this Act.

To be laid before Parliament. 47. Such regulations shall be laid before both Houses of Parliament within ten days after the publication thereof if Parliament is then sitting, and if Parliament is not then sitting then within ten days after the next meeting thereof.

Acts of United Kingdom and King's Regulations to apply. 48. "The Naval Discipline Act, 1866," and the Acts in amendment thereof passed by the Parliament of the United Kingdom for the time being in force, and the King's Regulations and Admiralty Instructions, in so far as the said Acts, regulations, and instructions are applicable, and except in so far as they may be inconsistent with this Act or with any regulations made under this Act, shall apply to the Naval Service and shall have the same force in law as if they formed part of this Act.

Powers of Governor in Council as to certain duties. R.S., c. 111. (2.) Where in the said Acts or in the King's Regulations and Admiralty Instructions any power or duty is vested in or imposed upon the Admiralty or any other body or officer, and there is no such body or officer in Canada or in the Naval Service, the Governor in Council may direct who shall exercise or perform such power or duty in Canada, or in the Naval Service.

(3.) This section shall not apply to any ship or vessel to which The Government Vessels Discipline Act applies, or to officers or persons who, being engaged for service upon such ships or vessels, are subject to the said Act.

Penalties.

Penalties for desertion. 49. Any person who,—
(a) procures or persuades any member of the Naval Forces to desert; or
(b) aids or assists any member of the Naval Forces in deserting; or,

(c) knowing any person to be a deserter from the Naval Forces, conceals him or aids or assists him in concealing himself, shall be liable upon summary conviction to imprisonment, with or without hard labour, for any period not exceeding twelve months.

EXECUTION OF WARRANTS AND SENTENCES.

50. The keeper, gaoler or warden of every gaol, prison or penitentiary in Canada shall receive and detain, according to the exigency of any warrant under the hand of the senior commissioned officer in the Naval Service present in any district, or other person authorized under the regulations to issue a warrant, any person mentioned in such warrant and delivered into his custody, and shall confine such prisoner until discharged or delivered over in due course of law; and every such keeper, gaoler, or warden shall take cognizance of any warrant purporting to be signed by any such officer or other authorized person.

51. Any prisoner sentenced for any term of imprisonment by any naval court-martial, or by any naval authority under this Act, may be sentenced to imprisonment in a penitentiary.

(2.) If such prisoner is sentenced to a term less than two years, he may be sentenced to imprisonment in the common gaol of the district, county, or place in which the sentence is pronounced, or if there is no common gaol there, then in that common gaol which is nearest to such locality, or in some other lawful prison or place of confinement other than a penitentiary in which imprisonment may be lawfully executed.

52. Any officer or seaman in the Naval Service, sentenced to be imprisoned may, if the Governor in Council by regulation or otherwise directs, be imprisoned in any place specially appointed therefor, instead of in a gaol, prison, or penitentiary.

REPEAL.

53. Chapter 41 of the Revised Statutes, 1886, intituled an Act respecting the Militia and Defence of Canada, is repealed in so far as it concerns the Active and Reserve Militia Marine Force.

54. The Schedule to The Department of Marine and Fisheries Act, chapter 44 of the Revised Statutes, 1906, is amended as follows:—

Clause 5, by adding thereto the following: "except steamships and vessels belonging to the Naval Service;"

Clauses 15 and 20 are repealed;

Clause 23, by adding thereto the following: "except the Fisheries Protection Service, which is under the control and management of the Department of the Naval Service;"

Clause 24, by adding thereto the following: "except such matters as are under the control and management of the Department of the Naval Service."

20103

No. 338.

ADMIRALTY to COLONIAL OFFICE.

(Received 1 July, 1910.)

SIR,

Admiralty, 30th June, 1910.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State, that they have had under their consideration the question as to how time served by officers of the Royal Navy who may be lent to Colonial Naval Forces should count for naval purposes, and they have approved of the adoption of the following rule:—

The service of officers in a ship of war maintained by the Government of any of His Majesty's Dominions beyond the Seas, and commissioned for sea service, may, at the discretion of the Admiralty, count as the equivalent of naval "service in a ship of war at sea" for purposes of promotion and

Warrants and sentences.

Imprisonment in penitentiary.

In gaol.

In special prison.

R.S.C., 1886, c. 41 repealed as to Militia Marine Force.

R.S., c. 44, Schedule amended.

increase of full, half, or retired pay, under conditions similar to those laid down by the Treasury under Section VI. of the Superannuation Act, 1887.

The High Commissioner for Canada has been informed that their Lordships have approved of the time served by Naval Officers with the Canadian Naval Forces counting as provided for in this rule.

I am, &c.,
C. I. THOMAS.

20108

No. 339.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNORS.

(Canada. No. 493.)	(New Zealand. No. 140.)
(Australia. No. 252.)	(Newfoundland. No. 112.)
(South Africa. No. 86.)	

My LORD,

SIR,

Downing Street, 6 July, 1910.

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copy of a letter* from the Admiralty, regarding the question of the manner in which time served by officers of the Royal Navy who may be lent to the Naval Forces of the Dominion should count for naval purposes.

I have, &c.,
CREWE.

21440

No. 340.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to War Office, July 22, 1910. L.F.]

(No. 155.)

My LORD,

Downing Street, 19 July, 1910.

I HAVE the honour to request you to inform your Ministers that His Majesty will not be advised to exercise his power of disallowance with respect to Act No. 28 of 1909 of the Parliament of New Zealand entitled "The Defence Act, 1909,"† copies of which accompanied Lord Plunket's despatch No. 6 of the 27th of January last.‡

2. At the same time the Army Council desire to point out, with reference to Sections 27 and 31 of the Act, which contemplate the utilisation of the services of retired officers in the Militia, that officers on retired pay are liable to be recalled to service in the Regular or Auxiliary Forces at a time of emergency, until the age of 50, or, in some cases, until the age of 55. The Army Council are advised that this obligation, which would place these officers under the Army Act, would override any obligation created under the New Zealand Defence Act, and they desire that this matter should be brought to the notice of your Ministers in order to prevent any question arising in the event of a retired officer being called up for service both by the Army Council and by the Government of New Zealand.

I have &c.,
CREWE.

23563

No. 341.

CANADA.

ADMIRALTY to COLONIAL OFFICE.

(Received 1 August, 1910.)

SIR,

Admiralty, S.W., 30th July, 1910.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they have had under their careful consideration the arrangements to be made in connection

with the commissioning and manning of the two cruisers purchased by the Government of Canada.

As the Secretary of State will remember, the Admiralty undertook as part of the scheme discussed at the Imperial Conference to transfer to the Dominion Government two of the older cruisers of the Royal Navy for use as training ships for the new naval service of Canada, and at the same time they agreed that the two cruisers should be manned by volunteers from the officers and men of the Royal Navy, on the active or retired lists.

The choice of the Canadian Government fell upon the first-class protected cruiser "Niobe" and the second-class protected cruiser "Rainbow," and these two vessels will shortly be ready for commissioning. An agreement has been come to with the Department of the Naval Service of Canada as to the composition of the complements of the two cruisers, and there is reason to expect that naval ratings will volunteer in sufficient number.

The following general arrangements have been discussed with the Minister of Naval Service in Canada.

As regard discipline, it is proposed that the officers and men serving under the Canadian Government should be governed by the Naval Discipline Act as applied to the Canadian naval force by Section 48 of the Naval Service Act passed this year by the Canadian Parliament, viz:—

"The Naval Discipline Act, 1866, and the Acts in amendment thereof passed by the Parliament of the United Kingdom for the time being in force, and the King's Regulations and Admiralty Instructions, in so far as the said Acts, regulations, and instructions are applicable, and except in so far as they may be inconsistent with this Act or with any regulations made under this Act, shall apply to the naval service, and shall have the same force in law as if they formed part of this Act."

Owing, however, to the fact that legal questions have been raised as to the power of a Dominion Parliament to apply the Naval Discipline Act to officers and men serving in Dominion ships of war outside territorial waters, and also as to the exact effect of such application of the same, whether within or without territorial waters, it has been agreed as a provisional measure that the formal transfer of the cruisers to the Canadian Government should be made on their arrival in Canadian waters, and that the vessels should be commissioned by the Admiralty for the voyage to Canada, the officers and men selected being appointed to His Majesty's ships "Niobe" and "Rainbow" in the same manner as if they were ships of war under the administration of the Admiralty. The Commanding Officers will be given directions to proceed to Canada in pursuance of the instructions of the Minister of the Naval Service and on arrival to place themselves under the Minister's orders.

Although the Commissions given by the Admiralty to officers of the Royal Navy remain in force wherever the officers may be serving, yet it is understood that the terms of the Naval Service Act of Canada may render it desirable that supplementary Commissions should be issued to them by the Canadian Government, and it is proposed, provisionally, to leave this point to the discretion of the Minister of Naval Service. The appointments already given by the Minister of Naval Service to the officers selected will take effect on the arrival of the vessels in Canadian waters and on their transfer to the Canadian Government.

My Lords are of opinion that the legislative application of the Naval Discipline Act and King's Regulations to the naval force of Canada will be of very great advantage in maintaining that close connection between the Dominion Service and the Royal Navy which was contemplated at the Imperial Conference last year, and they do not wish to cause any unnecessary delay in giving full effect to the arrangement proposed at the Conference; but it is essential that there should be no doubts as to the law governing the discipline of the officers and men lent to a Dominion Government, and as to the general status and position of Dominion ships of war especially outside the territorial waters of the Dominions. It is proposed, therefore, to make these questions the subject of a further communication, and in the meanwhile it is understood that the Canadian Government agree that the cruisers are not to leave the vicinity of the coasts of Canada or visit a foreign port without the concurrence of the Admiralty.

As regards the engagement of volunteers from the active and reserve lists of the Royal Navy, it is proposed that both classes of ratings should sign an agreement in the terms of the form annexed to this letter, and that men in the reserves should also sign an engagement to enter the Royal Navy for service in the Canadian naval force,

* No. 338.

† Printed at p. 52 of [Cd. 5135], May, 1910.

‡ 7292: not printed.

the period of such service being specified in the agreement. It is understood that men entered from the shore, not being under any liability to service in the Royal Navy, will sign a separate engagement as approved by the Minister of the Naval Service.

The pay and allowances of officers and men during the period of their engagement, commencing from their appointment to the cruisers, will be in accordance with the scale approved by the Privy Council of Canada and communicated by the Minister of Naval Service. The whole charge for such pay will fall upon the Canadian Government.

Active service officers and men will draw no pay and allowances from Imperial funds, but will be entitled to count their agreed service in the Canadian naval force as naval service in accordance with Admiralty regulations. Royal Fleet Reserve men, Class A, and pensioners not in the Royal Fleet Reserve, will continue to draw their naval pensions from Imperial funds. Royal Fleet Reserve men, Class A, will be entitled to count their service in the Canadian naval force, if satisfactory, as qualifying service, in that class of the reserves, for a Royal Fleet Reserve pension. Royal Fleet Reserve men, Class B, will be discharged from the reserve on re-entering the Royal Navy for service with the Canadian Government. They will not draw their retainers while so employed, but they will be re-enrolled in the reserve on return to the United Kingdom, and will be entitled to count their service in the Canadian Naval force, if satisfactory, as qualifying service for a Royal Fleet Reserve pension or gratuity on discharge. During their service in the Canadian Naval force men of the Royal Fleet Reserve will be absolved from the necessity of performing drills as members of the reserve.

Looking to the fact that the Imperial Government will be liable for the retired pay, service pensions, or gratuities of officers and men lent to the Canadian Government, it is considered that the Dominion Government should bear the charge for such proportion of the retired pay, pension, or gratuity as may be due to actual paid service in the Canadian Naval force. The basis on which such a payment should be made by the Canadian Government and its scope is being discussed separately, and it is not expected that there will be any difficulty in settling the details of an arrangement acceptable to both Governments.

My Lords desire me to request that the Secretary of State will communicate the substance of this letter to the Government of Canada, and to state that they will be glad to receive by cable as soon as possible an intimation of the concurrence of the Dominion Government in the general arrangements referred to herein.

I am, &c.,
W. J. EVANS,
Pro. Sec.

Enclosure in No. 341

MEMORANDUM of Conditions of Service in the Canadian Naval Force.

The service of volunteers in the Canadian Naval Force will be subject to the following conditions.

Men in the reserves and pensioners will sign the usual engagement form to join the Royal Navy for years for service in the Canadian Naval force. Volunteers from the active list will serve for two years in the Canadian Naval force. All classes will be subject during such service to naval discipline. They will receive from the Canadian Government the pay and allowances and clothing, &c., prescribed in the regulations issued by the Minister of Marine, and, except those who are naval pensioners and will continue to draw their pensions, they will not be entitled to any pay or other allowances from the Admiralty.

Leave with pay will be granted as prescribed in the regulations referred to above; it may be taken annually or allowed to accumulate and be taken at, but prior to, the termination of the period of service. Service in the Canadian naval force will count as Naval service in accordance with Admiralty regulations.

Passage to England will be provided by the Canadian Government on the termination of the engagement.

I hereby acknowledge that I have read the foregoing, and agree to serve under the conditions above mentioned.

23563

No. 342.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered, concurring generally, by 29599: not printed. See also No. 367.]

(No. 571.)

MY LORD,

Downing Street, 3 August, 1910.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a letter* from the Admiralty respecting the arrangements to be made in connection with the commissioning and manning of the two cruisers purchased by your Government.

I shall be glad to learn that the arrangements proposed, which have been discussed with the Canadian Minister of Naval Service, meet with the concurrence of your Government, and I request that I may receive as soon as possible a telegraphic reply to this despatch.

I have, &c.,
CREWE.

596

No. 343.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7 January, 1911.)

(No. 301.)

SIR,

Governor-General's Office, Melbourne, 6th December, 1910.

I HAVE the honour to transmit to you one signed copy and nine plain copies of an Act of the Legislature of the Commonwealth of Australia, to which the Governor-General has assented in the name and on behalf of His Majesty, intitled: No. 30, of 1910, "An Act relating to Naval Defence."

2. I also enclose an opinion† which was obtained from the Crown Law Officer before the Governor-General assented to this Act.

3. I trust that it may not be found necessary to advise His Majesty to exercise his power of disallowance with respect to this measure.

I have, &c.,
DUDLEY,
Governor-General.

Enclosure in No. 343.

THE COMMONWEALTH OF AUSTRALIA.

NAVAL DEFENCE.

(No. 30 of 1910.)

An Act relating to Naval Defence.

[Assented to 25th November, 1910.]

Be it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—INTRODUCTORY.

1. This Act may be cited as the *Naval Defence Act 1910*.
2. This Act is divided into Parts as follows:—
 - Part I.—Introductory.
 - Part II.—Administration.
 - Part III.—The Naval Forces.
 - Part IV.—The Service of the Naval Forces.
 - Part V.—Obligations in respect of Naval Training.
 - Part VI.—Special Powers in relation to the Naval Forces.
 - Part VII.—Miscellaneous.

Short title
Parts.

* No. 341.

† Not printed.

Definitions.

3. In this Act, unless the contrary intention appears—

- "Active service" means service in or with a force which is engaged in operations against the enemy, and includes any naval or military service in time of war;
- "The Defence Act" means the *Defence Act 1903-1910* as amended from time to time and includes any Act for the time being in force in substitution for that Act;
- "Governor-General" means the Governor-General of the Commonwealth, or the person for the time being administering the Government of the Commonwealth, acting with the advice of the Executive Council;
- "The Naval Discipline Act" means the Imperial Act called The Naval Discipline Act as amended from time to time and includes any Act for the time being in force in substitution for that Act;
- "Naval establishment" includes any Naval College, instructional establishment, ship, vessel, or boat used for services auxiliary to Naval Defence, and any dock, shipyard, foundry, machine shop, work, or establishment in connexion with Naval Defence;
- "Officer" means a commissioned officer, subordinate officer, or warrant officer, but does not include a petty officer;
- "Prescribed" means prescribed by this Act or the Regulations;
- "Regulations" means the regulations relating to the Naval Forces whether made in pursuance of this Act, the Defence Act, or any other power;
- "Seaman" means a member of the Naval Forces not being an officer, and includes any person serving in any capacity on board a vessel of the Naval Forces when engaged in any naval service;
- "This Act" includes all regulations under this Act;
- "Time of War" means any time during which a state of war actually exists, and includes the time between the issue of a proclamation of the existence of war or of danger thereof, and the issue of a proclamation declaring that the war or danger thereof, declared in the prior proclamation, no longer exists;
- "War" means any invasion or apprehended invasion of or attack or apprehended attack on the Commonwealth or any territory under the control of the Commonwealth by an enemy or armed force, and includes actual war in which the Naval Forces take part.

Amendment of Defence Act.

Application of Defence Act.

Act does not appropriate money.

Naval Board.

Power to appoint officers.

Continuance of existing officers.

Appointment does not create a civil contract.

Officers not to be appointed or promoted except provisionally until they have passed prescribed examination.

4. The Defence Act is amended as set out in the First Schedule, and that Act as so amended may continue to be cited as the *Defence Act 1903-1910*.

5. Part I., sections thirty, forty-three, forty-six, forty-seven, fifty-one, fifty-three and fifty-eight of Part III. and Parts IV. to XIV. both inclusive of the Defence Act shall, subject to this Act, continue to apply in relation to the Naval Forces.

6. Nothing in this Act shall be taken as an appropriation of any public moneys.

PART II.—ADMINISTRATION.

7.—(1.) The Governor-General may appoint a Board of Administration for the Naval Forces, to be called the Naval Board.

(2.) The Naval Board shall have such powers and functions as are prescribed.

8. The Governor-General may—

- (a) appoint and promote officers of the Naval Forces, and issue commissions to them; and
- (b) appoint an officer to command the whole or any portion of the Naval Forces.

9. Officers of the Naval Forces holding office at the commencement of this Act shall continue to hold office as if appointed under this Act.

10. The appointment or promotion of an officer under this Act shall not create a civil contract between the King or the Commonwealth and the officer.

11.—(1.) Subject to sub-section (2.), a person shall not be appointed to be an officer in the Naval Forces or promoted to any higher rank therein unless he has passed the prescribed examination for the rank to which he is appointed or promoted.

(2.) A person who has not passed the prescribed examination for any particular rank may be appointed provisionally to be an officer of that rank.

(3.) A person provisionally appointed to be an officer of any particular rank shall cease to hold office as an officer of that rank if he fails to pass the prescribed examination for the rank to which he has been provisionally appointed within the prescribed time, not exceeding eighteen months, after his appointment.

(4.) The requirements of this section may be dispensed with by the Governor-General in the case of persons who are officers of the King's Regular Naval Forces.

12. Every officer shall hold his appointment during the pleasure of the Governor-General, but the commission of an officer shall not be cancelled except for cause and after he has had notice, in manner prescribed, of the cause, and has been called upon to answer in his defence.

13.—(1.) Except in time of war, an officer may by writing under his hand resign his commission at the expiration of any time not being less than three months from the date of the receipt of the resignation.

(2.) The resignation shall not have effect until it has been accepted by the Governor-General.

(3.) For special reasons the Governor-General may accept any resignation at any time after the receipt thereof.

14. Warrant officers, non-commissioned officers, and petty officers shall be appointed and shall hold their offices as prescribed.

15. The seniority of officers in their respective ranks shall be as prescribed.

16. The Governor-General may appoint any person to be an officer, or promote any officer to a higher rank for distinguished service or for marked ability and gallantry on active service, without that person having passed the prescribed examination for the rank to which he is appointed or promoted.

17. The ages for the compulsory retirement of officers and members of the Naval Forces shall be as prescribed, but in special cases the Governor-General may extend the prescribed age of retirement for a period not exceeding two years.

18.—(1.) The Governor-General may establish Naval Colleges and Instructional Establishments for the purpose of imparting education in the various branches of naval science and in the subjects connected with the naval profession, and for the purpose of qualifying persons for the naval service.

(2.) Persons receiving instruction or training at any Naval College or Instructional Establishment shall be subject to this Act and the regulations.

PART III.—THE NAVAL FORCES.

19. The Naval Forces shall be divided into two branches called the Permanent Naval Forces and the Citizen Naval Forces.

20. The Permanent Naval Forces shall consist of officers who are appointed officers of those Forces, and seamen who have enlisted or engaged as members of those Forces and who are bound to continuous naval service for the term of their enlistment or engagement.

21.—(1.) The Citizen Naval Forces shall be divided into the Naval Reserve Forces and the Naval Volunteer Reserve Forces.

(2.) The Naval Reserve Forces shall consist of officers and seamen who are not bound in time of peace to continuous naval service and who are paid for their services as prescribed.

(3.) The Naval Volunteer Reserve Forces shall consist of officers and seamen who are not bound in time of peace to continuous naval service and who are not ordinarily paid for their services in time of peace.

22. The Governor-General may raise, maintain, and organise such Permanent and Citizen Naval Forces as he deems necessary for the defence and protection of the Commonwealth and of the several States.

23.—(1.) The Naval Forces existing at the commencement of this Act shall be subject to this Act as if raised thereunder.

(2.) Members of the Naval Militia Forces under the Defence Act are by this section transferred to the Naval Reserve Forces.

(3.) Members of the Naval Volunteer Forces and members of the Naval Reserve Forces under the Defence Act are by this section transferred to the Naval Volunteer Reserve Forces.

24. Except as provided in the Defence Act, the Naval Forces shall be raised and kept by voluntary enlistment only.

25. Enlistment in the Naval Forces shall be for such period as is prescribed, but no prescribed period shall be less than two years.

Appointments to be held during pleasure.

Resignation by officer of his commission.

Appointment of Warrant, &c., Officers. Seniority.

Appointment or promotion for distinguished service.

Retiring age.

Naval College.

Naval Forces.

Permanent Naval Forces.

Citizen Naval Forces.

Power to raise Naval Forces.

Existing Naval Forces to be subject to Act.

Naval Forces to be raised by voluntary enlistment. Period of enlistment.

Oath of enlistment.

26.—(1.) Every person enlisting in the Naval Forces shall take and subscribe an oath or affirmation of enlistment in accordance with the form in the Second Schedule.

(2.) The oath or affirmation of enlistment shall be taken before an officer, a Justice of the Peace, or a prescribed person.

(3.) The oath or affirmation of enlistment shall bind the person subscribing it to serve in the Naval Forces in accordance with the tenor of the oath until he is discharged, dismissed, or removed therefrom, or until his resignation is accepted.

Enlistment in any part of the King's Dominions.

27. Persons in any part of the King's Dominions may, subject to the law in force in that part, voluntarily enlist as members of the Naval Forces of the Commonwealth, and this Act shall apply to persons who enlist as members of the Naval Forces in parts beyond the limits of the Commonwealth to the same extent as if they had enlisted within the limits of the Commonwealth.

Discharge on expiration of period of service.

28. A member of the Naval Forces shall be entitled to be discharged therefrom at the expiration of the period of service for which he enlisted, unless such expiration occurs in time of war, in which case he shall not be entitled to his discharge until the war has terminated.

Discharge prior to expiration of period of service.

29.—(1.) A seaman of the Citizen Naval Forces may, except in time of war, claim his discharge before the expiration of the period of service for which he enlisted subject to the following conditions:—

- (a) He shall give three months' notice in writing to his commanding officer of his intention to claim his discharge; and
- (b) He shall, if a member of the Naval Reserve Forces, pay such sum not exceeding two pounds as is prescribed; or
- (c) He shall, if a member of the Naval Volunteer Reserve Forces, pay such sum not exceeding one pound as is prescribed.

(2.) Any payment under this section may for special reasons be waived by any authorized officer.

(3.) This section shall not apply to persons undergoing training or liable to be trained in pursuance of the Defence Act.

Disbanding, &c., of Corps.

30. The Governor-General may at any time by order published in the *Gazette*—

- (a) disband any corps or portion of a corps; or
- (b) dispense with the services of any officer or seaman.

PART IV.—THE SERVICE OF THE NAVAL FORCES.

Service of Permanent Naval Forces.

31. The Permanent Naval Forces are liable to continuous naval service, and shall at all times be liable to be employed on any naval service, including active service, and the defence and protection of the Commonwealth and of the several States.

Service of Citizen Forces.

32.—(1.) The Citizen Naval Forces are not liable in time of peace to continuous naval service, but are liable to such naval service as the regulations prescribe.

(2.) The Citizen Forces shall only be liable to be employed on active service when called out for active service by proclamation.

(3.) Nothing in this section shall prevent the employment on active service or any naval service of any members of the Citizen Forces who volunteer for such service.

Limits of service.

33. Members of the Naval Forces may be required to serve for training or any naval service either within or beyond the limits of the Commonwealth.

Drill and training.

34. The Naval Forces shall be subject to such drill training and inspection as are prescribed by the regulations.

Service or training with King's Naval Forces.

35.—(1.) The Governor-General may, for the purpose of naval service or training, place any part of the Naval Forces on board any ship of the King's Navy or in any naval training establishment or school in connexion with the King's Navy.

(2.) The members of the Naval Forces while so placed shall—

- (a) be under the command of the officer commanding the ship, training establishment, or school; and
- (b) be subject to the laws and regulations to which the members of the King's Naval Forces on the ship or attending the training establishment or school are subject.

Application of Naval Discipline Act and King's Regulations.

36. The Naval Discipline Act and the King's Regulations and Admiralty Instructions for the time being in force in relation to the King's Naval Forces shall,

subject to this Act and to any modifications and adaptations prescribed by the regulations, apply to the Naval Forces.

37. Whenever the Commonwealth Naval Forces are acting with the King's Naval Forces for the purpose of training or for any naval service—

- (a) the command of the forces shall, subject to any Imperial Act or Regulation, devolve upon the senior naval officer present and acting in a position of command; and
- (b) any part of the Commonwealth Naval Forces may be placed under the command of any officer of the King's Naval Forces.

Command where Commonwealth Naval Forces are acting with King's Naval Forces.

PART V.—OBLIGATIONS IN RESPECT OF NAVAL TRAINING.

38. Persons who are liable under the Defence Act to be trained in the Junior or Senior Cadets and who are allotted to the Naval Forces shall be subject to this Act and the regulations.

Cadets to be subject to regulations.

39. Commissioned rank in the Junior and Senior Naval Cadets shall be deemed honorary rank in the Naval Forces, but shall not confer any right to command in those Forces.

Commissioned rank in Cadets.

40. Persons who are liable under the Defence Act to be trained in the Citizen Forces and who are allotted to the Naval Forces shall be subject to training as prescribed, and shall be subject to this Act and the regulations, and shall while undergoing training be deemed to be members of the Citizen Naval Forces.

Persons liable to compulsory naval training to be subject to Act and regulations.

PART VI. SPECIAL POWERS IN RELATION TO THE NAVAL FORCES.

41.—(1.) In addition to any powers contained in section sixty-three of the Defence Act, the Governor-General may—

- (a) acquire or build and maintain ships, vessels, or boats, for Naval Defence, or for services auxiliary to Naval Defence;
- (b) acquire or construct and maintain docks, shipyards, foundries, machine shops, and other works or establishments in connexion with Naval Defence; and
- (c) authorize the employment of any persons in a civil capacity in connexion with any services auxiliary to Naval Defence or any works or establishments under this section.

Power to build ships and construct docks, shipyards, foundries, &c., for naval purposes.

(2.) The provisions of section sixty-three of the Defence Act shall apply in relation to the above-mentioned powers as if they were included in that section.

42.—(1.) The Governor-General may—

- (a) accept the transfer to the Commonwealth Naval Forces of any vessel of the King's Naval Forces or of the Naval Forces of any part of the King's Dominions;
- (b) accept the transfer to the Commonwealth Naval Forces of any officers and seamen of the King's Naval Forces or of the Naval Forces of any part of the King's Dominions;
- (c) transfer to the King's Naval Forces or to the Naval Forces of any part of the King's Dominions any vessel of the Commonwealth Naval Forces; and
- (d) transfer to the King's Naval Forces or to the Naval Forces of any part of the King's Dominions any officers or seamen of the Commonwealth Naval Forces.

Transfers between King's Naval Forces and Commonwealth Naval Forces.

(2.) Any transfer in pursuance of this section may be for such period and subject to such conditions as the Governor-General thinks desirable.

(3.) Subject to the conditions of transfer, all officers and seamen of the King's Naval Forces or of the Naval Forces of any part of the King's Dominions transferred in pursuance of this section to the Commonwealth Naval Forces shall, while so transferred, be deemed to be members of the Commonwealth Naval Forces, and shall be subject to this Act and the regulations so far as they are applicable.

(4.) Subject to the conditions of transfer, all officers and seamen of the Commonwealth Naval Forces transferred in pursuance of this section to the King's Naval Forces or to the Naval Forces of any part of the King's Dominions shall, while so transferred, be subject to the laws and Regulations governing the King's Naval Forces or the Naval Forces of the part of the King's Dominions to which they are transferred so far as those laws and regulations are applicable.

PART VII.—MISCELLANEOUS.

43. When any member of the Naval Forces—

- (a) is killed on active service or on duty, or
(b) dies, or becomes incapacitated from earning his living from wounds or disease contracted on active service,

provision shall be made for his widow and family or for himself, as the case requires, out of the Consolidated Revenue Fund at the prescribed rates.

44. Funds may be established in such manner and subject to such provisions as are prescribed for providing for the payment of annuities or gratuities to members of the Naval Forces permanently injured in the performance of their duties, and for the payment of annuities or gratuities to members of the Permanent Naval Forces who are retired on account of age or infirmity.

45.—(1.) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for securing the discipline and good government of the Naval Forces, or for carrying out or giving effect to this Act, and in particular prescribing matters for or in relation to—

- (a) the good government of Naval establishments;
(b) the discipline of persons receiving instruction or training in or employed in or in connexion with Naval establishments; and
(c) the regulation and control of shipping in time of war or for the purposes of any naval operation or practice.

(2.) The regulations may provide penalties for breaches thereof, not exceeding imprisonment with hard labour for three months, in the case of imprisonment, or twenty pounds, in the case of pecuniary penalties.

(3.) The power to make regulations contained in this section is in addition to any power to make regulations contained in the Defence Act.

THE FIRST SCHEDULE.

Consequential amendments in the *Defence Act 1903-1910*.

Section.	Extent of Amendment.
4	Omit "sailor" from definition of "member" and insert in its stead "seaman". Omit definition "Naval Discipline Act". Omit definition "Naval Commandant". Omit "Sailor" and insert in its stead "Seaman".
8	Omit paragraph 11.
9	Omit "and the Director of the Naval Forces". Omit "or no Director of the Naval Forces, or if these officers or either of them" and insert in their stead "or if he". Omit "their" wherever it occurs and insert in its stead "his".
11A	After "Citizen" wherever it occurs insert "Military".
14	After "Active" insert "Military". Omit "Naval or".
18	After "Warrant Officers" insert "and". Omit "and petty officers".
19	After "Active" insert "Military".
20	After "Reserve" wherever it occurs insert "Military". After "Active" insert "Military".
21	Omit "or below the rank of commander in the Naval Forces".
23	After "Permanent" insert "Military".
28	Omit "and a Board of Administration for the Naval Forces, to be called the Naval Board". Omit "and the Naval Board". Omit "respectively".
31	After "Permanent" insert "Military". Omit "petty officers and sailors". Omit "naval or".

Section.	Extent of Amendment.
32	Omit the section.
36	After "Permanent" insert "Military Forces", after "Volunteer" insert "Military", and before "Reserves" insert "Military".
37	After "Active" insert "Military". Omit "or sailor".
40	Omit "or sailor".
41	Omit "or sailor".
42	After "Active" insert "Military".
44	After "officer" insert "or". Omit "or sailor".
48	Omit the section.
54	Omit the section.
56	Omit the section.
57	Omit "Defence Force" and insert in its stead "Military Forces".
63	Omit paragraph (a).
73	Omit "sailor" insert "seaman".
112	Omit "sailor" wherever it occurs and insert in its stead "seaman".

THE SECOND SCHEDULE.

OATH.

I swear that I will well and truly serve our Sovereign Lord the King in the Naval Forces of the Commonwealth of Australia for the term of _____ years or until sooner lawfully discharged dismissed or removed and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained and that I will in all matters appertaining to my service faithfully discharge my duty according to law. So help me God.

AFFIRMATION.

I solemnly and sincerely affirm and declare that I will well and truly serve our Sovereign Lord the King in the _____ Naval Forces of the Commonwealth of Australia for the term of _____ years, or until sooner lawfully discharged dismissed or removed and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained and that I will in all matters appertaining to my service faithfully discharge my duty according to law.

2163

No. 344

COLONIAL OFFICE to ADMIRALTY.

SIR, Downing Street, 31 January, 1911.
WITH reference to previous correspondence with regard to the Imperial Conference of 1911, I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, an extract from a telegram from the Governor-General of the Union of South Africa, proposing certain questions relating to defence for discussion at the Imperial Conference.
2. I am to add that a copy of this telegram has been communicated to the War Office and to the Committee of Imperial Defence.

I am, &c.,
H. W. JUST.

Enclosure in No. 344.

(3) That wherever votes in favour of monetary contributions towards Imperial Naval Defence are made by the overseas Dominions, any naval service rendered or provision for local coast defences made by such Dominions with approval of the Admiralty be borne on such votes.

(4) That the desirability be considered of replacing the system of trade preferences at present granted by the overseas Dominions to Great Britain by a system of contributions in money or services to Imperial naval and local defence.

2163

No. 345.

COLONIAL OFFICE to WAR OFFICE.

SIR, Downing Street, 31 January, 1911.
WITH reference to previous correspondence with regard to the Imperial Conference of 1911, I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Army Council, an extract* from a telegram from the Governor-General of the Union of South Africa, proposing certain questions relating to defence for discussion at the Imperial Conference.

2. I am to add that a copy of this telegram has been communicated to the Admiralty and to the Committee of Imperial Defence.

I am, &c.,
H. W. JUST.

2163

No. 346.

COLONIAL OFFICE to THE COMMITTEE OF IMPERIAL DEFENCE.

SIR, Downing Street, 31 January, 1911.
WITH reference to previous correspondence with regard to the Imperial Conference of 1911, I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Sub-Committee of the Committee of Imperial Defence, an extract* from a telegram from the Governor-General of the Union of South Africa, proposing certain questions relating to defence for discussion at the Imperial Conference.

I am, &c.,
H. W. JUST.

4312

No. 347.

COLONIAL OFFICE to WAR OFFICE, ADMIRALTY, AND COMMITTEE OF IMPERIAL DEFENCE.

SIR, Downing Street, 10 February, 1911.
IN continuation of the letter from this Office of the 31st of January,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the [Army Council] [Lords Commissioners of the Admiralty] [Committee of Imperial Defence] copy of a telegram‡ from the Governor-General of the Union of South Africa on the subject of the resolutions proposed by his Government for discussion at the Imperial Conference.

I am, &c.,
H. W. JUST.

5297

No. 348.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18 February, 1911.)

[Copy to India Office, 21 February, 1911. L.F.]

(No. 11.)

SIR, Governor-General's Office, Melbourne, 13th January, 1911.
AT the instance of His Majesty's Prime Minister of the Commonwealth, I have the honour to inform you that the Federal Government desire to take advan-

* Enclosure in No. 344. † Nos. 344, 345 and 346. ‡ No. 10 in [Cd. 5513], February, 1911.

tage of the forthcoming visit of Ministers to London to discuss the following subjects with representatives of the War Office:—

- (1) The progress of the Imperial General Staff, and the development of its functions.
- (2) The education of officers at the Staff Colleges. Provision of accommodation for Australian students.
- (3) Examination of permanent officers for promotion.
- (4) Loans: exchanges of and between officers of the regular and Indian armies and of the permanent forces of the oversea Dominions.
- (5) Attachments of Australian officers to the regular and Indian armies.
- (6) Courses of instruction in England and India for Australian officers.
- (7) Inspection and supply of warlike stores and confidential plans, &c., in connection therewith, for the purpose of developing the manufacturing resources of Australia in respect to war material.
- (8) The terms upon which the services of the Inspector-General, Oversea Forces, could be invited, if the Australian Government so desires, and the notice which it would be necessary to give.
- (9) The general question of horse-breeding and remounts.

I should be glad if the War Office Authorities can be informed accordingly.

I have, &c.,
DUDLEY,
Governor-General.

5297

No. 349.

COLONIAL OFFICE to WAR OFFICE AND COMMITTEE OF IMPERIAL DEFENCE.

[Copy to India Office, 21 February, 1911. L.F.]

SIR, Downing Street, 21 February, 1911.
WITH reference to previous correspondence as to the Imperial Conference, I am directed by Mr. Secretary Harcourt to transmit to you [to be laid before the Army Council] [to be laid before the Sub-Committee of the Committee of Imperial Defence] a copy of a despatch* from the Governor-General of Australia stating certain military subjects which it is desired to discuss when the Commonwealth Ministers are in London for the purposes of the Imperial Conference. A copy of this despatch has been forwarded to the [Committee of Imperial Defence] [War Office].

I am, &c.,
H. W. JUST.

6740

No. 350.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)	(South Africa.)
(Australia.)	(Newfoundland.)
(Secret.)	

MY LORD,
SIR,

Downing Street, 24 February, 1911.

WITH reference to my predecessor's secret despatch, of 25 August, 1910,† I have the honour to enclose a further copy of the Colonial Defence Committee secret memorandum, No. 417 M,‡ on the general principles of Imperial Defence affecting the oversea Dominions and Colonies. This copy is forwarded for the use of your Ministers in connection with discussion as to defence questions at the Imperial Conference.

I have, &c.,
L. HARCOURT.

* No. 348.

† 20758/S: not printed.

‡ Not reprinted.

6509

No. 351.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27 February, 1911.)

(No. 18.)

SIR, Governor-General's Office, Melbourne, 17th January, 1911.
 AT the instance of His Majesty's Prime Minister of the Commonwealth, I have the honour to inform you that the Federal Government desire to take advantage of the forthcoming visit of Ministers to London to discuss the following subjects with representatives of the Admiralty:—

- (1) Loans, attachments, and interchanges of and between officers of the British Navy and of the Australian Navy.
- (2) Co-operation between the Admiralty and the Australian Government in connection with the supply of material, plans and specifications, and confidential information in connection with the construction in Australia of warships.
- (3) Facilities to be given and methods to be adopted in connection with the transfer of Australians now serving with the Australian Squadron to local Navy.
- (4) Question of arrival of Australian Unit, the withdrawal of Australian Squadron, and consequent transfer of Naval Base at Sydney from the Government of the United Kingdom to the Australian Government.
- (5) Wireless communication between His Majesty's Ships of War in Australian Waters and His Majesty's Australian Ships of War and Commonwealth Land Wireless Stations.
- (6) Means of communication between Australian Naval Board and British Admiralty.
- (7) Appointment of an officer in London to represent the Australian Naval Department.

I should be glad if the Lords Commissioners of the Admiralty can be informed accordingly.

I have, &c.,
 DUDLEY,
 Governor-General.

6509

No. 352.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY and COMMITTEE OF IMPERIAL DEFENCE.

SIR, Downing Street, 2 March, 1911.
 WITH reference to the letter from this Department of the 14th of January last,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the [Lords Commissioners of the Admiralty] [Committee of Imperial Defence], a copy of a despatch† from the Governor-General of the Commonwealth of Australia containing a list of naval subjects which it is desired to discuss when the Commonwealth Ministers are in London for the purpose of attending the Imperial Conference.

It will be observed that it is not proposed to discuss these points at the Imperial Conference.

I am, &c.,
 H. W. JUST.

* 820: not printed: transmitter of No. 5 in [Cd. 5513].

† No. 351.

19.

Status of Dominions Navies.

20980

No. 353.

ADMIRALTY to COLONIAL OFFICE.

(Received 9 July, 1910.)

[Answered by No. 354.]

(Confidential.)

SIR, Admiralty, S.W., 8th July, 1910.
 WITH reference to Admiralty letter of 4th January last,* inviting a conference between representatives of the Colonial Office, Foreign Office, Admiralty, and the Treasury Solicitor and King's Proctor, upon the question of the status of Dominion ships of war as affected by the general arrangement with the Governments of the Dominions discussed at the Imperial Conference last year, I am commanded by my Lords Commissioners of the Admiralty to forward herewith a copy of the report† of the Conference which has been signed by all the members of the Departments represented.

I am to state that, in their Lordships' opinion, it is very desirable that a definite agreement should be arrived at as soon as possible with the Governments of the Dominions on the subject of the status of Dominion ships of war, as both the Australian and Canadian Governments are proceeding with the establishment of naval forces on the lines drawn last year, and, seeing that the Admiralty are lending officers and men to man the two cruisers purchased by the Canadian Government, the question of the discipline to be applied to them is of urgent importance.

It will be noticed that the Conference is of opinion that unless a policy of intimate association with the Royal Navy is pursued the Empire as a whole will gain little practical advantage from the establishment of Dominion naval forces; and from this point of view the first of the two alternative schemes recommended, i.e., that of a "United Imperial Navy," would be the most in agreement with the general policy of the Admiralty. But before any action is taken to negotiate with the Dominion Governments in the matter, their Lordships desire me to invite an expression of the views of the Secretary of State upon the conclusions of the Conference.

I am, &c.,
 C. I. THOMAS.

20980

No. 354.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 355.]

(Confidential.)

SIR, Downing Street, 27 July, 1910.
 I AM directed by the Earl of Crewe to acknowledge the receipt of your letter of the 8th of July,‡ forwarding a copy of the report of the Inter-departmental Committee appointed to consider the question of the status of Dominion ships of war as affected by the arrangements made with the Dominion Governments as the outcome of the Defence Conference of 1909.

2. I am to inform you that Lord Crewe concurs in the conclusions of the Committee, and will be prepared, in due course, to communicate with the Dominion Governments concerned on the subject. The Lords of the Admiralty will, no doubt, agree that the report cannot, as it stands, be communicated to those Governments, and I am to suggest that the best method of proceeding would be for their Lordships, if they concur, to incorporate the suggestion for what is called in the report a "United Imperial Navy," with the arguments supporting the proposal, in a letter

* 531: not printed.

† Not reprinted.

‡ No. 353.

to this Department which would then be forwarded to the Governments in a despatch from the Secretary of State.

I am, &c.,
C. P. LUCAS.

24737

No. 355.

ADMIRALTY to COLONIAL OFFICE.

(Received 11 August, 1910.)

[Answered by L.F. transmitting copy of Nos. 355 and 357.]

(Confidential.)

SIR, Admiralty, S.W., 9th August, 1910.
I HAVE laid before my Lords Commissioners of the Admiralty your letter of 27th July, No. 20980,* in which the Secretary of State, in expressing concurrence with the conclusions of the Inter-departmental Conference on the status of Dominion ships of war, suggested that it would be desirable that the arguments for the treatment of the naval forces of the Dominions as portions of a United Imperial Navy should be put in a form in which the recommendations of the Conference could be submitted for the consideration of the Governments of the Dominions.

My Lords concur in the suggestions of the Secretary of State, and they have had a memorandum prepared which, in their judgment, sets forth the case as clearly as the subject permits, but they are of opinion that the whole circumstances are so special, involving questions of law, that it is hardly to be expected that an agreement can be arrived at without a personal consultation between representatives of the Dominion Governments concerned and the Admiralty.

Owing to the desire of the Canadian and Australian Governments to commission vessels forthwith, it is very important that a meeting should take place at the earliest date possible. The presence in Europe of the Minister and Deputy Minister of Justice for Canada at the present time would facilitate such an arrangement in the case of Canada; as regards Australia it may be difficult to arrange for an early meeting, but it is possible that the Commonwealth Government might depute the High Commissioner to represent them, assisted by a legal adviser.

I am accordingly to suggest that in forwarding the memorandum to the Governors-General of Canada and Australia, an intimation should be made to the Governments of these Dominions that their Lordships consider that such a personal conference is indispensable, and that they hope that the Governments will nominate representatives to confer as soon as possible with the Admiralty on the subject, with, if possible, full powers to come to some provisional arrangement.

I am, &c.,
C. I. THOMAS.

Enclosure in No. 355.

MEMORANDUM ON STATUS OF DOMINION SHIPS OF WAR.

(Confidential.)

Since the meeting of the Imperial Defence Conference in 1909 to consider the question of the naval and military defence of the Empire, the new naval arrangements provisionally agreed to by the representatives of Canada and Australia have received the approval of the Governments of these Dominions, and certain action has been taken by them to give effect to the same. It has, therefore, become necessary to consider the manner in which the principles of these new arrangements should be applied, so that, while the administration and control of the Canadian and Australian naval forces should rest with the Dominion Governments, there should be the same standard of training and discipline in these forces as in the Royal Navy, and that they should all, as far as possible, develop as integral parts of one Imperial Navy.

* No. 354.

The questions to be settled are briefly:—

(a.) The measures requisite to give the Naval Forces of the Dominions the international status of war-ships of a sovereign State.

(b.) The means of employing the naval forces of the Dominions on Imperial services, so far as the Governments of the Dominions consent to such employment, in time of peace as well as during war.

For the sake of convenience the latter question will be considered first, as the former presents no great difficulties, and is partly involved in the latter.

The problem presented by the proposed establishment of naval forces by the Dominions is unique, and there is no precedent in history to which an appeal can be made in determining their status; it requires, therefore, careful investigation, in three respects in particular.

The first question is the legal position of ships of war of the Dominions when beyond territorial waters, and whether Imperial legislation may be required to supplement Dominion legislation or to give it validity beyond territorial waters.

The second question is the method by which and the extent to which uniform discipline should be maintained. Homogeneous discipline appears to be necessary on several important grounds. In order that the Dominion naval forces may be of full value in time of war, it is essential that they should be under similar discipline and training in time of peace. The fact that Imperial officers and men are to be lent for service in the Dominion ships and interchange with their officers and men is another reason, for the Admiralty might find some difficulty in justifying their action except on conditions of uniformity. The need for uniformity is even greater if the ships of the Dominions are to be employed on Imperial service, and are to undergo training with ships of the Royal Navy.

The third question for consideration, apart from the legal points involved in the first question, is that, while the Dominion ships are intended primarily and mainly for local requirements, yet as a mobile force they will, in any case, and more especially if employed on Imperial service, be continually passing beyond territorial waters, and will, therefore, be liable to come into contact with foreign national ships, and also with other British ships of war; accordingly their position must be regulated and defined. Questions of international relations and of peace and war are, under the Constitution, vested in the Crown (which with regard to such questions acts on the advice of the Imperial Government), and therefore Imperial control over the Dominion naval forces in some form and to some extent would seem to be unavoidable. Accordingly the question of the nature and extent of the control of the Admiralty to be exercised, with the consent of the Dominion Governments, over their naval forces when outside territorial waters requires to be determined.

The question of the manner and extent of the employment of Dominion ships on Imperial service turns largely upon the code of discipline that governs them, because, unless there is some sanction which the Imperial Government can enforce, there is no direct means by which the personnel of the new naval forces which are being brought into existence, capable of voyaging anywhere, can be made to comply with the orders of the Central Government. Further, if the Royal Navy and Dominion naval forces are to act together as one fleet, or to be anything more than quasi-foreigners to one another when they meet, it is essential that, if possible, the same disciplinary code should be applied to each component part.

Thus it was agreed as regards Australia, when the conferences took place in 1909 between the representatives of the Admiralty and the Commonwealth, that while, in peace time, and on the Australian station, the ships maintained by Australia should be under the exclusive control of the Commonwealth Government as regards movements and general administration, the officers and men should be under naval discipline, and when with ships of the Royal Navy the senior officers should take command of the whole.

Unless some arrangement of this kind is made it must be recognised that international difficulties of a very grave nature may arise, owing to the fact that a mobile armed force has been established, over whose action the Central Government would have no control, though the ultimate responsibility would rest with them.

In considering the question, therefore, the following points must be borne in mind:—

- (1.) That the matter is one which is important in peace as well as in war. Wars arise out of acts done in times of peace;

- (2.) That if the Dominion vessels are placed at the disposal of the Admiralty in time of war, provision must be made for rank and command in time of war; and
- (3.) That any violent change of rank and command coming into force in the early days of the stress of war is to be deprecated.

Accordingly, if possible, the system adopted should secure the following results:—

- (1.) The ships must have the international status of British ships of war, and the officers the international status of officers duly commissioned by the authority of the British Crown.
- (2.) The Imperial Government should be able to control any action that may be taken by the ships of a Dominion which might possibly involve the whole Empire in international difficulties.
- (3.) It being naturally the wish of the Dominions to keep the ships of war provided by them as far as possible under their own control, it is desirable that the control—for international purposes—of the Imperial Government should be restricted within the narrowest possible limits.
- (4.) It is important that service in the Dominion naval forces should be such as will be likely to attract good men of all ranks. (This was fully recognised by Mr. Deakin in his speech in the Commonwealth Parliament on the 13th December, 1907. In that speech he pointed out that little "landlocked navies" which afforded no prospect of advancement to high commands would not attract men of first-rate ability.)
- (5.) So far as varying regulations and conditions of service might permit, there should be facilities for an interchange of ships, officers, and men between the Dominion naval forces and the Royal Navy; this seems to be especially desirable from the point of view of the Dominions.
- (6.) The Dominion ships, officers, and men should attain to such a degree of efficiency and prestige, and have such a system of discipline, as to enable them to co-operate effectually with the Royal Navy when necessary, and, as a consequence of such effectual co-operation, to share in all the honours and privileges of that body.

It is not necessary, before considering the best means of securing the above results, to examine the constitutional and legal position of the Colonies at length. It is sufficient to state that serious questions might possibly arise as to the capacity of the Dominion Parliaments to legislate effectively for the discipline of their naval forces outside their territorial waters.

It should be the aim of all parties, if possible, to avoid raising such questions by coming to some arrangement which will secure the objects in view without touching upon these delicate and difficult matters.

This can be done by adopting the policy of what may be called a united Imperial Navy. Under this policy the objects to be aimed at would be that the naval forces of the Dominions should form an integral part of an Imperial Navy, subject to whatever limitations may be necessary in order to secure to the Dominion Governments as great a power of control as is compatible with the one main principle that all the naval forces within the Empire should form a single whole. It is not implied that the Dominion Governments, as representing the Crown, will cease to be owners of their ships, or that they cannot refuse, if they think fit, to place them at the disposal of the Imperial Government either in peace or in war; but it is suggested that, whether within or without their own waters, the Dominion naval forces should be under the same Discipline Act as the Royal Navy.

The first step necessary to carry out the policy of a united Imperial Navy is the assent of the Dominions to the proposition that the officers and men are "persons in or belonging to His Majesty's Navy and borne on the books of one of His Majesty's ships in Commission" within the meaning of Section 87 of the Naval Discipline Act: in other words, that the Naval Discipline Act should apply to them everywhere. On their side the Imperial Government might undertake to enter into an agreement such as follows:—

Taking first the case of the Australian Commonwealth, it is understood that the Commonwealth Government are prepared to recognise a distinction between Australian waters and places outside those limits. By the expression "Australian waters," it is intended, without attempting an exact definition, to describe an area not strictly confined to the territorial waters of the Commonwealth and its depend-

encies, but including the adjacent high seas to an extent sufficient to provide for voyages between different parts of the Commonwealth and its dependencies, and for the necessary local movements of the ships incidental to manœuvres, instruction, &c. The extent of the area to be assigned would be a matter for consideration.

The agreement with the Commonwealth Government might with advantage include the following provisions:—

(1.) All questions as to administrative control, disposition and movements of ships, organisation and supply, service of personnel (subject to the Naval Discipline Act), pay, appointments, promotions within the Commonwealth naval forces to rest with the Commonwealth Government, whether in or out of "Australian waters," subject to such powers as may be expressly reserved by the agreement to the Senior Imperial Naval Officer (whom it may be convenient to call the Commander-in-Chief).

(2.) The Commander-in-Chief to have standing instructions defining the circumstances in which only he may exercise over Australian ships his powers of command or discipline under the Naval Discipline Act in time of peace, namely:—

(i.) Outside "Australian waters," in which case his powers shall be generally exercisable, provided that if the Commonwealth Government notify their wish that their ships shall return to Australian waters, they shall be allowed to do so, and that the Commander-in-Chief shall not interfere in the internal discipline or arrangements of the Australian Fleet more than the necessities of joint action, training, or other circumstances of the case may require.

(ii.) Inside "Australian waters" only—

(a) So far as may be necessary to meet the case of questions arising from the meeting with other ships of the Navy; or

(b) For joint manœuvres, &c., held at request of the Commonwealth Government; or

(c) For the purpose of giving as the mouthpiece of the Admiralty individual orders to officers or men of the Royal Navy, serving in the Australian Fleet, relative to their rejoining the ordinary service; or

(d) For the purpose of enforcing trial or punishment in respect of matters which may have occurred (either outside or inside "Australian waters") giving occasion to the exercise of his disciplinary powers according to the agreement; or

(e) With a view to obviating action affecting international relations.

(iii.) In any circumstances, if so requested by the Commonwealth Government or by the Officer Commanding the Australian Fleet or Senior Officer of that Fleet present.

(3.) Such disciplinary powers to be conferred on the Senior Officer of the Australian Fleet as may enable him to act without reference to any Commander-in-Chief in all cases where the vessels are within "Australian waters" and are not in the presence of a Senior Officer of the Royal Navy (and subject, of course, to the powers reserved to the Commander-in-Chief).

(4.) Certain powers of the Admiralty as to various administrative matters to be exercised with regard to Australian ships, officers, and men by the Minister of Marine of the Commonwealth.

On the assumption that the Naval Discipline Act is applicable, the first and second points would require nothing more than an agreement coupled with standing instructions to the Commander-in-Chief. In order to carry out an agreement with regard to the third, the Admiralty might, under the powers conferred upon it by Section 58 (9) of the Naval Discipline Act, issue a warrant to order courts-martial to the Senior Naval Officer of the Australian Fleet. This warrant would be effective so long as he was not in the presence of an officer senior to himself. The power to order courts-martial would, in such a case, by virtue of Section 58 (10) pass to the Senior Officer temporarily, but would revive again on his separating himself from the Senior Officer. Or it might be effected by the Australian Fleet being made an integral part of some other fleet, the Commander-in-Chief of which could, under Section 58 (12), issue his warrant to the Senior Officer of the Australian Fleet, detaching him for service in "Australian waters." The fourth point would require amendments of the Naval Discipline Act.

The geographical situation of Canada does not permit of the assignment of any area outside the territorial waters of the Dominion similar to that which is possible

in the case of Australia. Nor have the Canadian representatives suggested any such distinction between Canadian and other waters as has been suggested in the case of Australia. How far the area of "Canadian waters" should extend beyond the actual territorial waters of the Dominion must be a matter for arrangement between the two Governments. Subject to these observations the proposed scheme appears to be equally applicable to Canada as to Australia.

In order to carry out the idea that Dominion officers and men are amenable to the Naval Discipline Act, and for the other purposes indicated above, the following amendments of the Naval Discipline Act would be necessary or desirable.

In the first place, it would be desirable, in order to obviate any possibility of question hereafter, that there should be added to the definition clause (Section 86) words to the effect that "His Majesty's Navy" and "His Majesty's ships" should include all armed ships of war provided and maintained out of money provided by the Parliament of any of His Majesty's Dominions or Colonies. Such an addition would so affect the construction of Section 87 as to bring the officers and men of Dominion fleets under the Naval Discipline Act, would authorise the officers by virtue of Section 58 to be members of courts-martial, and by virtue of sub-section 16 of that section would require them to sit.

This simple alteration would effect the main object in view, but there are a number of powers of a more or less administrative nature given to the Admiralty, most of which would be appropriately conferred on the Minister of Marine of a Dominion.

These powers are as follows:—

Section 24.—Power of dealing with the effects and the proceeds thereof of persons absent without leave for more than one month.

Section 26.—Power of applying penalty recovered against persons aiding desertion.

Section 32.—Power of ordering captain of a ship to take merchandise on board.

Section 53 (1).—Power to annul or modify sentence. (3) Confirmation of infliction of death penalty.

Section 56 (2).—Power to make regulations as to infliction of summary punishments.

Section 58 (9) to (12).—Powers relating to the issue of commissions to order courts-martial.

Section 65.—Power to make general orders regulating practice and procedure of courts-martial.

Sections 68 and 80.—Powers as to the custody of persons insane at the time of committing the offence or becoming insane after sentence.

Sections 70 and 74.—Powers as to place of imprisonment or detention.

Section 75.—As to change of place of imprisonment or detention.

Sections 72 and 76.—As to expenses of subsistence and removal of prisoners.

Section 78.—As to release of prisoners.

Section 81.—As to naval prisons and detention barracks.

Section 83.—As to application of penalties recovered against Governors of gaols and detention barracks.

Section 89.—Powers to make passengers on board His Majesty's ships subject to Act.

Section 93.—Power to decide whether separate courts-martial should be held in respect of the loss of one of His Majesty's ships.

It remains to be decided which of them should be conferred on a Dominion Minister of Marine; but probably those contained in Sections 24, 26, 32, 53 (1) and (3), 68 and 80, 70 and 74, 72 and 76, 78, 83, and 93 should be so conferred. In order to effect this it would be sufficient to amend the Naval Discipline Act by providing that in construing those sections the expressions "Admiralty," "Lords of the Admiralty," "Secretary of the Admiralty," shall include, in relation to any ship of war provided and maintained out of money provided by the Parliament of any of His Majesty's Dominions or to any officer or man whose name is borne on the books of any such ship, the Minister of Marine of the Dominion providing or maintaining such ship.

The sections dealing with imprisonment, as well as other sections of the Naval Discipline Act, will require amendment to apply them to the case of Dominion ships.

It is considered (1) that, in view of the importance of uniformity in the powers of Commanding Officers, the power to make regulations as to summary punishments should be retained by the Admiralty; (2) that the powers to make general orders

for regulating the practice of courts-martial should also be retained in order to secure uniformity; it would not be necessary to pass on the powers conferred by Section 81 as to naval prisons and detention barracks, as the local Parliament has, without doubt, already sufficient powers for the purpose within territorial limits; (3) that while it would be undesirable to allow the Dominion Minister of Marine to issue commissions empowering officers to order courts-martial, yet he should himself, by virtue of his office, be enabled to issue a warrant to any individual officer authorising him to convene a court-martial for the trial of a particular offender where the offence has been committed within "Dominion waters."

The transfer of the powers contained in Section 53 (1) and (3) as to annulling or modifying sentences and confirming death sentences requires careful consideration. The exercise of those powers locally in time of peace, as regards all ordinary matters of internal discipline on the Dominion ships, might conveniently be left to the Dominion Governments.

Certain powers are conferred on the Commanders-in-Chief of a foreign station by Sections 53 (3), 57 (1) and (2), 74 and 78. Provision would clearly have to be made with regard to some of these being conferred on the Senior Officer of the Dominion naval forces. The details of these can be considered later, but it is evident that at all events he should have the power of determining and changing the place of imprisonment.

Lastly, provision should be made for transmitting the proceedings of courts-martial in the case of officers and men of the Dominion naval forces to the Minister of Marine, as well as to the Admiralty for information, leaving it to the local authorities to make their own arrangements for the examination of the proceedings by some competent person. It would not be necessary to deal with Section 61, as neither the Judge Advocate of the Fleet nor his Deputy is likely to be in Dominion waters.

The above are the principal points to be dealt with. No doubt when it comes to drafting the necessary amendments to the Naval Discipline Act others would appear; but, speaking generally, the above changes would be sufficient to secure the application of the Naval Discipline Act to the Dominion naval forces, while leaving to the local Minister of Marine very considerable latitude in dealing with the officers and men.

A few observations should be directed to the position of officers under the proposed scheme.

It is desirable that for all questions of seniority, pay, pensions and other matters, service in the Dominion ships should be treated as service in the Royal Navy, and that officers of the Dominion fleets should rank equally with officers of the Royal Navy according to their relative seniority. The simplest way of doing this would probably be to insert the names of the officers of the Dominion fleets in the "Navy List," with the dates of their commissions, in the same manner as the names of officers of the Royal Navy. This plan would have the advantage of providing a ready means of deciding questions of seniority.

With regard also to the form of the officers' commissions, there are many advantages in the adoption, both for officers commissioned by the Dominion Governments and for officers commissioned by the Admiralty in the ordinary way, of one form of commission extending to service in all the naval forces of the Crown, including the Royal Navy and any Dominion fleet.

These proposals are recommended on the following grounds:—

The moral effect will be to encourage the feeling of unity in the Imperial service, and to increase the prestige of the Dominion officers. In peace time it will assist the course of administration to dispense with the necessity of temporary commissions being granted by the Dominion Governments to officers of the Royal Navy detached for service in their fleets, or by the Admiralty to officers of the Dominion fleets detached for service in the Royal Navy. In war time it may be necessary to transfer officers at any moment from or to the ships of the Royal Navy and of the Dominions, if effective co-operation is to exist between them, and in view of this possibility it is necessary that each officer's commission should be operative in any ship of His Majesty, whether provided by the Admiralty or by the Government of a Dominion. For international reasons it is undesirable, at least in war time, to have more than one form of commission in one belligerent force.

The problem of making provision for times of war is far less difficult than that of providing for times of peace. Both Australia and Canada appear to accept the

position that when the ships of the Commonwealth and of the Dominion are placed at the disposal of the Admiralty in time of war the officers and men must be subject to the Naval Discipline Act. If the scheme of a united Imperial Navy be adopted no further Imperial legislation will be required beyond that which has been already indicated.

The international position of the proposed Dominion naval forces does not raise any legal questions of much difficulty. All that is necessary from an international point of view is that the ships should be recognised by His Majesty as British ships of war, and should carry an appropriate flag, and that the officers should be properly commissioned under the authority of His Majesty. It will be for the Foreign Office to make the necessary notification to foreign Powers as regards these ships, and any modification of the naval flag which they might be authorised to adopt.

The question of the actual flag to be flown by Dominion ships of war under the new conditions contemplated would be determined by the position which these vessels will occupy in relation to the Royal Navy. Under the scheme proposed the relations of the Dominion ships to the Royal Navy will be very intimate, and, having regard to the convenience of peace administration and to efficient co-operation with the Royal Navy in time of war, the use of the White Ensign without any distinctive badge may well be offered in the first instance to the Dominion Governments. At the time of the Imperial Defence Conference in 1909, the question of the flag did not come up prominently, but certain enquiries were made by the representatives of Canada and Australia, and a wish was expressed by them that the White Ensign with the distinctive emblem of the Dominion in the fly might be sanctioned. The use of the White Ensign without any distinctive badge apparently did not occur to representatives of the Dominions or to the representatives of the Admiralty; but the granting the use of the White Ensign, without a distinctive badge, would foster and maintain a feeling of union between the Dominion naval forces and the Royal Navy, and would show that it is desired to offer the new Dominion ships a full share in the heritage of the British Navy.

The events of 1909 show that the Dominions wish to share with the Imperial Government the burden and responsibility of maintaining a navy. It is, therefore, necessary to do all that is possible to assist the Dominion Governments to organize their naval forces in the most efficient manner, and at the same time it is most desirable to invite them to accept for these forces a position of such close relationship with the Royal Navy that the two will be virtually part of the same Imperial force, and that the assistance of the Dominion naval forces can be invoked in carrying out Imperial services in time of peace as well as in war. With this object it is essential that the Dominion ships should have the international status of British ships of war, and that the officers should have the international status of duly commissioned British naval officers, with all the other honours of the Royal Navy.

Unless this policy of intimate association with the Royal Navy is pursued the Empire as a whole will not gain all the advantages that should be derived from the establishment of Dominion naval forces, while those forces will risk appreciable loss both in prestige and in efficiency. The Dominions evidently contemplate such close association and the closer this can be voluntarily made the better, in order to secure harmonious co-operation and preclude the possibility of friction within the Empire and of international differences without.

Since the ships are to be provided at the expense of the Dominions, it must be left to those Governments to control the administration and, in time of peace, the disposition of the ships. In war time the ships cannot be used without the consent of the Dominion concerned, but, if used, they will no doubt be placed under the direction of the Admiralty. In peace time some special provision must obviously be made, or else it would be within the power of the Dominion Governments to order or permit their ships to take action in relation to foreign Powers for which the Imperial Government would be responsible, but which they would not be able to prevent or control. In such an event the Imperial Government might be seriously hampered in the control of the foreign policy of the Empire and might be committed to a policy, or even to a war, of which they did not approve. This danger is not merely academical, but may easily arise.

Accordingly the result to be aimed at on this view is that while the Dominions should not either in peace or war be under an absolute obligation to permit any active use of their ships, the Imperial Government should possess both in peace and war effective means of precluding such action as, in their opinion, would affect foreign relations.

Such powers on the part of the Imperial Government ought, if possible, to have a legal sanction, and not to depend merely on an agreement or understanding between the two Governments.

The Governments of the Dominions might be invited to accept the scheme of a United Imperial Navy on the ground that it would best provide for:—

- (1.) The efficiency of the Dominion naval forces and the dignity of the flag;
- (2.) The interchange of officers and men between the Dominion and Imperial services, thus providing the possibility of a career which will attract men of first rate ability to the Dominion services;
- (3.) The effective co-operation of the Dominion naval forces with the Royal Navy, whether in peace or war; and
- (4.) The avoidance of dangerous international incidents.

Admiralty.

August 1910.

24737

No. 356.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.12 p.m., 15 August, 1910.)

TELEGRAM.

[Copy to Admiralty, 18 August, 1910. Confidential. L.F.]

[Answered by Nos. 360 and 362.]

(Paraphrase.)

With reference to enclosure to my despatch, No. 571, 3rd August,* Admiralty have been engaged in consideration of various legal and international questions arising out of the creation of Dominion fleets as arranged at last year's Conference, and I am sending by mail, for communication to your Ministers, copy of a memorandum† on the subject. Admiralty consider that for full understanding and settlement of this matter personal conference with representatives of your Government is indispensable, and as questions involved are in part legal they suggest that advantage should be taken of presence of Minister and Deputy Minister of Justice in Europe, who will no doubt be shortly returning to this country. In view of early transfer of cruisers to your Government, Admiralty are earnestly desirous that conference should take place as early as possible, and I should be glad if your Ministers could agree and could send necessary communications to Ministers here. It would be most useful if they could be authorised, at all events, to come to some provisional arrangement with Admiralty.—CREWE.

24737

No. 357.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.12 p.m., 15th August, 1910.)

TELEGRAM.

[Copy to Admiralty, 18 August, 1910. Confidential. L.F.]

[Answered by No. 359.]

In order to obviate possibility of difficulties hereafter, Admiralty have been engaged in consideration of various legal and international questions arising out of creation of Dominion fleets as arranged at last year's Conference, and I am forwarding by mail, to be communicated to your Ministers, copy of a memorandum on the subject. Admiralty think that it would be very advantageous if this memorandum could be discussed verbally with one or more representatives of Com-

* No. 342.

† Enclosure in No. 355.

monwealth Government, and I should be glad if your Ministers would consider whether there is any one in this country whom they could nominate for the purpose: if he were a layman he should have legal advice. In the case of Canada it is hoped to arrange for discussion with Ministers now in Europe on arbitration business. In view of destroyers recently built being treated as part of fleet unit, Admiralty are particularly desirous of arranging for earliest possible discussion, and your Ministers will no doubt give full weight to their desire in deciding whether conference can proceed in advance of receipt of memorandum. If they agree to that course, discussion at this stage would be preliminary with a view to making matter entirely free from any misunderstanding when under consideration of your Ministers and entirely without prejudice to any views which they may desire to bring forward on receipt of memorandum.—CREWE.

24737

No. 358.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Copy to Admiralty, 1 September, 1910. Confidential. L.F.]

(Canada.)
(Australia.)

(Confidential.)

MY LORD,

Downing Street, 18th August, 1910.

WITH reference to my telegram of the 15th instant,* I have the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a memorandum† by the Admiralty on certain legal and international questions which call for settlement in connection with the creation of Dominion navies.

I have, &c.,
CREWE.

26882

No. 359.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.30 a.m., 30th August, 1910.)

TELEGRAM.

[Copy to Admiralty, 1 September, 1910. L.F.]

[Answered by No. 370.]

(Paraphrase.)

Referring to your secret telegram of 15th August,‡ the High Commissioner has been requested to represent the Federal Government at the discussion of the memorandum relating to the legal and international questions arising in connexion with the creation of Dominion fleet, on the understanding that any agreement which is arrived at will be subject to ratification by this Government.—DUDLEY.

29116

No. 360.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.30 p.m., 19th September, 1910.)

TELEGRAM.

[Answered by No. 364.]

With reference to your cypher telegram, August 15th,§ Conference between Lords Commissioners of the Admiralty and Minister of Justice concerning Dominion

* Nos. 356 and 357.

† Enclosure in No. 355.

‡ No. 357.

§ No. 356.

of Canada Naval Service Act of Parliament, Government of Canada consider that main question is whether Naval Service Act of last session can be applied (to) out of Canadian territorial waters. If further legislation necessary in order to give effect to Act Government of Canada hope early decision may be arrived at. Minister of Marine has written to Minister of Justice suggesting that Conference may be held on doubtful points with Lords Commissioners of Admiralty.

Despatch follows by mail.—GREY.

29116

No. 361.

CANADA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 363.]

(Confidential.)

SIR,

Downing Street, 23 September, 1910.

WITH reference to your letter of the 9th instant* and previous correspondence, relative to the status of Dominion ships of war, I am directed by the Earl of Crewe to transmit to you, to be laid before the Lords Commissioners of the Admiralty, a copy of a telegram† from the Governor-General of Canada reporting that his Ministers are anxious for an early decision on the question whether the Canadian Naval Services Act, 1910, can be applied out of Canadian territorial waters, and stating that the Minister of Marine has written to the Minister of Justice suggesting that a Conference may be held on doubtful points with the Lords Commissioners of the Admiralty.

I am to state that Lord Crewe understands that Mr. Aylesworth has not yet received the letter referred to, but he will be put into communication with your Department when it arrives.

I am, &c.,
G. V. FIDDES.

31141

No. 362.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10 October, 1910.)

[Answered by No. 364.]

(Confidential.)

MY LORD,

The Citadel, Quebec, P. Q., 24th September, 1910.

WITH reference to my telegram of the 19th instant,‡ regarding the question how far the Naval Service Act of Canada can be applied outside Canadian territorial waters, I have the honour to transmit herewith, for your Lordship's information, copy of an approved minute of His Majesty's Privy Council for Canada, upon which my telegram was based.

I have, &c.,
GREY.

Enclosure in No. 362.

CERTIFIED COPY of a Report of the Committee of the Privy Council approved by His Excellency the Governor-General on the 16th September, 1910.

(P.C. 1706.)

The Committee of the Privy Council have had before them a Report, dated 20th August, 1910, from the Secretary of State for External Affairs, to whom was referred a telegraphic despatch, dated 15th August, 1910, from the Right Honourable the Secretary of State for the Colonies, indicating that, in the opinion of the

* 28427: not printed.

† No. 360.

Admiralty, a personal conference with the representatives of the Canadian Government is considered indispensable for discussion and settlement of various legal questions arising out of the creation of the Dominion fleet.

The Minister states that the Minister of Marine and Fisheries has written to the Honourable A. B. Aylesworth, Minister of Justice, who is now in Europe, pointing out that it would be a great advantage if he could make it convenient to discuss these questions with the Admiralty with a view to obtaining a speedy decision on the points in doubt;

That, in the opinion of the Minister of Marine and Fisheries, the main question is whether the Naval Service Act, as passed by the Canadian Parliament in its last session, can be applied outside the territorial waters of Canada. If any further legislation is required to give effect to this Act, a decision should be reached at an early day as to what is necessary.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies, by telegraph, in the above sense.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

31430

No. 363.

CANADA.

ADMIRALTY to COLONIAL OFFICE.

(Received 13 October, 1910.)

[Answered by No. 365.]

SIR,

Admiralty, S.W., 13th October, 1910.

WITH reference to your letter of the 23rd September, No. 29116,* on the subject of the status of Dominion ships of war, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they much regret to learn that Mr. Aylesworth, the Canadian Minister of Justice, has left England without having the meeting with the representatives of the Admiralty, as suggested in the telegram of the Governor-General of the 19th September† enclosed in that letter, but it is understood that no instructions reached him before he sailed for Canada.

As pointed out in their Lordships' letter of the 9th August,‡ the general question of the status of Dominion ships of war involves matters which render a personal consultation desirable in order that the full effect may be clearly appreciated, and it was hoped that the presence of Mr. Aylesworth in England would have afforded such an opportunity. My Lords trust, therefore, that the Secretary of State will press upon the Dominion Government the importance of nominating another representative at an early date.

In the meanwhile, my Lords recognise that the Canadian Government will desire that the position of the "Niobe" as a ship of war on arrival in Canadian waters should be as far as possible free from any ambiguity and they propose, pending a definite arrangement, that the "Niobe" should continue to fly the white ensign and pendant as representing His Majesty's relation to the Canadian Naval Service, and, in order that the fact that the ship is under the control of the Canadian Government may be clearly indicated, they further propose that the Canadian flag should be flown at the stem in lieu of the Union flag, as usually flown on the ships of the Royal Navy.

In their Lordships' opinion this arrangement will indicate the close relations between the Naval Service of the Dominion and the Royal Navy in having a common head—the King—and at the same time secure easily the official recognition of the ships of the Dominion as part of the naval forces of the Crown.

My Lords assume that, pending the settlement of the general question, the Canadian Government do not contemplate sending the "Niobe" for a cruise out of Canadian waters.

* No. 361.

† No. 360.

‡ No. 355.

It is proposed that a similar arrangement should be made as regards the "Rainbow."

I am, &c.,
W. GRAHAM GREENE.

31430

No. 364.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.15 p.m., 15th October, 1910.)

TELEGRAM.

[Answered by No. 367.]

Your confidential despatch, 24th September.* His Majesty's Government regret that Minister of Justice had to leave England before being able to discuss legal questions connected with status of Canadian Navy. They trust that your Government may be able at very early date to send over representative for the purpose.

In the meantime Admiralty feel that your Government will desire that position of "Niobe" as ship of war should, as far as possible, be free from ambiguity and suggest that, pending definite arrangement, she should continue to fly white ensign and pendant as representing His Majesty's relation to Canadian naval service, but should fly Canadian flag at stem in lieu of Union flag to show clearly that ship is under control of Canadian Government.

In opinion of Lords Commissioners, Admiralty, this arrangement will indicate close relations between naval service of Dominion and Royal Navy in having common head, viz., the King, and at the same time secure easily official recognition of ships of Dominion as part of naval forces of the Crown.

Similar arrangement is proposed with regard to "Rainbow."—CREWE.

31430

No. 365.

CANADA.

COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, 15 October, 1910.

WITH reference to your letter of the 13th of October,† I am directed by the Earl of Crewe to transmit to you, for the information of the Lords Commissioners of the Admiralty copy of a telegram‡ which has been addressed to the Governor-General of Canada on the subject of the status of the Dominion naval forces.

2. I am also to enclose copy of a despatch* from His Excellency which deals with the same matter.

I am, &c.,
C. P. LUCAS.

31430

No. 366.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by Nos. 367 and 376.]

(No. 770.)

MY LORD,

Downing Street, 20 October, 1910.

WITH reference to my telegram of the 15th instant,‡ regarding the status of the Dominion ships of war, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of the letter† from the Admiralty on which my telegram was based.

I have, &c.,
CREWE.

* No. 362.

† No. 363.

‡ No. 364.

34271

No. 367.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.40 a.m., 8th November, 1910.)

TELEGRAM.

[Answered by Nos. 368 and 371.]

Your despatch, 3rd August, and my telegram, 24th September,* in reply. Prime Minister informs me that formal transfer to Government of Canada of His Majesty's ship "Niobe" has not been effected yet. It was understood that this will be done as soon as "Niobe" arrived at territorial waters, Canada (see Admiralty letter, July 30th†). Prime Minister most anxious that it should be done before Dominion Parliament opens November 17th. Therefore, I hope that you will urge Admiralty to give whatever instructions may be necessary in the matter to Commanding Officer as soon as possible.

With regard to question of flag, your public despatch, No. 770, October 20th‡ Prime Minister desires that "Niobe" should fly Canadian flag, viz., blue ensign and pendant with Canadian arms (?) in the fly in order to emphasize fact that vessel is under control of Government of Canada. He would like to discuss later on question of flying white ensign with Canadian arms.

As to general question of jurisdiction referred to in Admiralty memorandum of August last, Prime Minister would be willing to send representative as soon as possible in order to discuss it with Admiralty. I will inform you as soon as I can name of representative and date of arrival. Pending this discussion Government of Canada do not intend to send ship outside territorial waters of Canada.

All the above applies equally to "Rainbow," which has just arrived Esquimalt. —GREY.

34271

No. 368.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4 February, 1911.)

TELEGRAM.

[Answered by No. 372.]

Your telegram, 7 November,§ Dominion navies. His Majesty's Government would be glad to learn whether it will be possible for your Government to send a representative to discuss the question of the status of Dominions navies at an early date.—HARCOURT.

5111

No. 369.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 17 February, 1911.)

(Confidential.)

SIR,

Admiralty, S.W., 17th February, 1911.

With reference to previous correspondence on the subject of the organisation and status of the Australian Naval Force to be established under the arrangement discussed at the Imperial Defence Conference in 1909, I am commanded by my Lords Commissioners of the Admiralty to inform you, for the information of the Secretary of State for the Colonies, that the conferences which have taken place

between representatives of the Admiralty and the representative of the Commonwealth Government, the Right Honourable Sir George Reid, K.C.M.G., have now been concluded, and the result has been drawn up in a report signed unanimously by all the representatives who took part in the discussions. Six copies of the report are forwarded herewith.

2. Having regard to the fact that Sir George Reid has forwarded a copy to his Government it will probably be thought desirable that a copy should be forwarded without delay to the Governor-General of Australia, and it is also suggested that a copy may be forwarded to the Secretary of the Committee of Imperial Defence.

3. I am to add that it was arranged with Sir George Reid that the report should be treated as confidential, and that it should not be published by either Government without the concurrence of the other side.

I am, &c.,

W. GRAHAM GREENE.

Enclosure in No. 369.

ORGANISATION OF AUSTRALIAN NAVAL FORCE.

(Confidential.)

The following proposals are put forward as a whole as steps in the direction of carrying out the arrangements provisionally arrived at during the meetings of the Imperial Defence Conference held in 1909, which are recorded as follows in Parliamentary Paper [Cd. 4948]:—

(I.) "In peace time and while on the Australian Station the (Australian) Fleet Unit would be under the exclusive control of the Commonwealth Government as regards their movements and general administration; but

(II.) "Officers and men should be governed by regulations similar to the King's Regulations and be under Naval discipline, and when with vessels of the Royal Navy the Senior Officer should take command of the whole." * * *

"The Australian Fleet Unit should form part of the Eastern Fleet of the Empire, to be composed of similar units of the Royal Navy, to be known as the China and the East Indies Units, respectively, and the Australian Unit."

I.—CONTROL.

The question of "control as regards movements of ships and general administration" divides itself into two main heads—(1) As regards the provision of matériel and personnel and what may be called the internal economy of the ships; (2) Control of the movements of the ships (a) in time of peace, (b) in time of war.

(1) This is to be entirely within the province of the Commonwealth. It was common ground in discussion between the Admiralty and Australian Representatives at the Conference that the training of the cadets and of the men and boys before they actually join a ship should be the same, as far as possible, as that provided for entrants into the Royal Navy.

At the present moment the question of the subsequent training of junior officers in the Australian Service is not pressing, as for some time they will be directly under officers steeped in the traditions of the Royal Navy, and the Admiralty have already expressed their readiness to arrange for officers being appointed to ships of the Royal Navy for instruction. (See [Cd. 4948] p. 26.)

(2) (a) *Control of movements of ships in time of peace.*—

It having been agreed that the Australian Fleet Unit shall form part of the Eastern Fleet of the Empire, it follows from the Admiralty point of view that, strictly, the vessels of that Unit would be liable to come under the command of the Commander-in-Chief of the Eastern Fleet if he is the Senior Officer. But, on the other hand, if this were acted on to its full extent, it would be an infringement of the principle, which has been equally accepted, that the Commonwealth Government should be supreme in the matter of directing the movements of the Commonwealth Fleet Unit whilst in Australian waters.

* No. 342, and 29529; not printed.

† No. 341.

‡ No. 366.

§ No. 367.

To avoid this difficulty the following proposal is made:—

Each Unit of the Eastern Fleet to have its own Station and in ordinary circumstances not to leave it; the Australian Station under the command of its own Commander-in-Chief being so defined as to include the adjacent high seas to an extent sufficient to provide for voyages between different parts of the Commonwealth and its dependencies, and for the necessary local movements of the ships incidental to manœuvres, instruction, &c.

If the Australian Government desire to send the vessels of the Australian Unit outside the limits of their Station, so defined, arrangements should be made with the Imperial Government in a manner similar to that which is usual between the Admiralty and the Foreign Office. Should any of the Commonwealth ships, at the request of the Admiralty and under the orders of the Commonwealth Government, be sent on Imperial duty beyond the limits of the Australian Station, they would, whilst so detached—in accordance with the routine which now prevails in the Royal Navy in similar cases—be under the command of the Commander-in-Chief of the Station on which they might be temporarily serving.

Ships of any unit entering or passing through another Station to report themselves to the Commander-in-Chief of that Station, who would not, however, interfere with their movements or internal economy.

Arrangements to be made between the Admiralty and the Commonwealth Government for the ships of the Australian unit taking part in fleet cruises, or for any other joint training considered necessary, under the Senior Commander-in-Chief. While so employed the ships to be under the command of that officer, who would not, however, interfere in their internal economy further than the circumstances of the case necessitated.

The appointment to the Naval Board by the Governor-General, on the advice of his Ministers, and with the concurrence of the Admiralty, of a specially selected flag officer of the Royal Navy as the chief naval adviser of the Minister of Defence, appears to be highly desirable, having regard to the special arrangements proposed.

Such flag officer or other officers and men as may be needed for the Australian unit to be lent by the Admiralty to the Commonwealth under arrangements to be agreed upon. Preference to be given to officers and men of Australian birth or origin, but they should all be volunteers for the service.

Service of officers of the Royal Navy in the Australian Naval Force to count in all respects for promotion, pay, retirement, &c., as service in the Royal Navy.

Under these arrangements the Commonwealth Government would have "the exclusive control during peace time and while on the Australian Station of their fleet unit as regards movements and general administration." It would only be placed under the command of a senior officer of the Royal Navy independent of that Government when they saw fit; and even then such senior officer would have instructions not to interfere in matters of internal economy more than absolutely necessary.

Under the provisional arrangement made at the Imperial Defence Conference, 1909, many questions of seniority must arise between officers commanding vessels of the Royal Navy and those of the Australian fleet unit. In order to determine these questions the names of such officers should be shown in the Navy List; their seniority being determined by the date of their commissions in either the Royal Navy or Australian Service, whichever is the earlier.

(b) *Control of movements of ships in time of war.*—

It was provided in the arrangement above referred to that "when placed by the Commonwealth Government at the disposal of the Admiralty in war time the vessels should be under the control of the Naval Commander-in-Chief."

Accordingly, in time of war, the Commonwealth Government would be free to place their vessels at the disposal of the Imperial Government or not, as they decide. If the vessels are so placed they would become an integral part of the Imperial fleet under the command of the Commander-in-Chief and remain under his authority wherever they may be, within or without the "Australian Station," and be liable to be sent anywhere during the continuance of the war.

In peace time the orders of the Minister of Defence would be sufficient for placing the Commonwealth ships under the command of an officer of the Royal Navy, but the transfer in time of war requires something more formal, if only to emphasise the seriousness of the step.

It is desirable, therefore, that the Australian fleet unit should only come in the fullest sense under the command of a Commander-in-Chief other than its own after the making of a formal order of the Governor-General in Council placing the fleet unit, in the words of the Colonial Naval Defence Act, "at the disposal of His Majesty for general service" for the period of the war.

II.—DISCIPLINE.

In turning to the naval discipline part of the subject, it is essential to bear in mind that, as already mentioned, it has been accepted that the officers and men should be under naval discipline, and that the Australian fleet unit should form part of the Eastern Fleet of the Empire.

The due carrying out of this provisional agreement involves two important points, first, that the disciplinary code in force in what may be considered for this present purpose two parts of one great fleet should be the same; second, that as a fleet exists primarily for fighting purposes there should be as little change as possible when the time of trial comes.

There are many difficulties—constitutional, legal, and other—in devising a code of discipline for a fleet which is for practical purposes sometimes to be one whole and at others two or more separate parts, one of which is built, equipped, and manned by a sovereign Power, and the other under the authority of a Legislature which, however extensive its powers, has not the full attributes of sovereignty.

Among these difficulties is the extent to which a Dominion has power to legislate for persons outside its territorial waters; assuming that it has such power there is the probability, amounting almost to a certainty, that statutes enacted by two or more legislatures would not be identical. There is the question of what would be the true international position in peace and in war of ships of war equipped, and with officers commissioned, by authority of a non-sovereign legislature: there is the difficulty which must arise of providing in all circumstances for tribunals to punish infractions of the disciplinary code: and, lastly, there is the importance of securing to the Commonwealth Government the power of deciding whether or not discipline, as it is understood in the Royal Navy, shall apply to the officers and men of the ships provided by the Commonwealth.

In order to obviate all these difficulties the following proposal is made:—

That the Naval Discipline Act should be so amended as to make it clear that the expressions "His Majesty's Navy" and "His Majesty's Ships" shall, for the purposes of that Act, include any fleet unit and ships composing that unit, respectively, which is provided and maintained by a self-governing Dominion where the Governor-General in Council orders that the Naval Discipline Act shall apply to the officers and men of the naval force maintained by that Dominion. In the amending Act, power should be reserved to the Governor-General in Council to prevent the application of any sections of the Naval Discipline Act, except those contained in Parts I., II., III., IV. and Sections 86 to 98, inclusive, of Part VI. of Section 101 of Part VII.

Further, the Act should be amended so as to provide that the expressions "Admiralty," "Lords Commissioners of the Admiralty," or "Secretary of the Admiralty" should mean in relation to any ship provided and maintained by a Dominion, or to any officer or man borne on her books, the Minister at the head of the Naval Department of the Government in question; and that in Section 46 the expression "United Kingdom" should mean, in reference to any such ship, officer or man, the Dominion providing and maintaining them. (The object of this last proposal is to maintain inviolate the jurisdiction of the Colonial Courts to try persons belonging to the local force for offences committed on shore in the Dominion against the ordinary law of the Dominion.)

No doubt much drafting detail would have to be considered hereafter to give effect to this proposal, but if the principle is accepted that the Act is to apply to the Dominion fleet units (though only by virtue of an Order of the Governor-General in Council), all the difficulties mentioned above will be overcome.

(1) It leaves the Dominion free to decide whether it will accept the code of naval discipline for the time being in force in the Royal Navy; but, if it does accept it, it secures that the code shall be identical throughout, and avoids the difficulties which might arise from Parliamentary complications or want of accurate drafting.

(2) No change will be necessary when, in time of war, Dominion vessels are transferred.

(3) It avoids the difficult questions as to the power of the Dominions to legislate extra-territorially and yet provides for the code being in full force whether the ship is in home or foreign waters or the waters of another Dominion.

(4) It settles definitely the status of Dominion officers and men, *vis-à-vis* foreign nations.

(5) By making the officers definitely officers of His Majesty's Navy it decides all questions of naval precedence and courtesy, both among themselves and with regard to foreign officers.

(6) It avoids all the difficult questions with regard to the courts martial. The officers, being officers of His Majesty's Navy and being also members of a force provided and maintained by a Dominion, can be commissioned to order courts martial either by the Admiralty or by the Minister of Defence, or both, and they would be qualified to sit, in accordance with their seniority, on a court martial for the trial of an offender of either branch of the Service.

So much for the Naval Discipline Act. But the law of the Navy is embodied not only in the Act, but also in the King's Regulations and Admiralty Instructions, and it is desirable that such parts of the Regulations as deal with the duties of the different officers, with discipline, and the powers of punishment vested in the captains and executive officers, should also be identical in both branches of the Service.

It is suggested that on the one hand, the Dominions should have the power of making whatever regulations they think fit, provided that they are not inconsistent with the Naval Discipline Act, but on the other hand the Admiralty consider that they should be free to withdraw the officers and men of the Royal Navy from the Dominion service unless at least all those chapters which affect either the fighting efficiency or the discipline of the ship are enacted in identical terms.

Principles only being now dealt with, it appears that the following chapters fall within the above category. (A detailed examination will no doubt have to be made at a later stage to see whether any and, if so, what modifications are necessary):—

- | | |
|----------|--|
| Chapters | I.—General Regulations. |
| | II.—Ceremonies and distinction. |
| | III.—Rank and Command. |
| | IX.—Instructions to Officers in general. |
| | X.—Instructions to Commander-in-Chief and Officers in command of Fleets and Squadrons. |
| | XI.—Instructions to Flag Officers. |
| | XII.—Instructions to Captains of the Fleet. |
| | XIII.—Instructions to Captains. |
| | XIV.—Instructions to Lieutenants and Sub-Lieutenants. |
| | XV.—Instructions to Gunners, Boatswains, and Carpenters. |
| | XVII.—Courts Martial. |
| | XVIII.—Courts of Enquiry and Naval Courts. |
| | XIX.—Discipline. |
| | XX.—Police. |
| | XXI.—Certificates. |
| | XXIV.—Gunnery and Torpedo. |
| | XXV.—Engine Department. |
| | XXVI.—Navigation and Pilotage. |
| | XXVII.—Regulations for preventing Collisions, &c. |
| | XXVIII.—Convoys. |
| | XXIX.—Classification, Armament, &c., of H.M. ships. |
| | XXX.—Commissioning and Equipment. |
| | XXXI.—Preservation, repairs and docking. |
| | XXXIV.—H.M. Land Forces and Transport. |
| | XXXV.—Medical. |
| | XLVII.—Returns and Correspondence (General). |
| | XLVIII.—Prizes, Prize Money, and Prisoners of War. |
| | L.—Salvage. |

The following chapters clearly deal with matters of administration which, in accordance with the agreement quoted at the beginning of this memorandum, are

to be left entirely to the Dominion Government. They will no doubt, however, serve as a model:—

- | | |
|----------|---|
| Chapters | IV.—Appointment of Officers. |
| | V.—Definitions of Service. |
| | VI.—Qualifications and Promotions. |
| | VII.—Training and Examination of Officers. |
| | VIII.—Entry, Qualification and Instruction of Men and Boys. |
| | XVI.—Instructions to Chaplains and Naval Instructors. |
| | XXXVII. to XLVI., which deal with Accountant Officers, Pay, Allowances and similar matters. |
| | LI. A, LII. A, and LIII. A, which deal with pensions and gratuities, &c. |

There are a few chapters which require consideration, as they cannot be said to fall at once into either category:—

- | | |
|----------|------------------------------------|
| Chapters | XXII.—Messing, Cabins and Canteens |
| | XXIII.—Leave of Absence. |
| | XXXII.—Paying off. |
| | XLIX.—Quarantine and Customs. |

It is desirable that the regulations in respect of these matters should be the same in both branches of the Service, but clearly they cannot be insisted on.

Finally, Chapter XXXIII. deals with Marines. If there is to be a Marine force in the Dominion Fleet Units it is essential that it should come under the same Naval Regulations.

The scheme as herein sketched covers the main points dealt with in order to carry out the provisional agreement. Once the main principles have been accepted other points of great but subsidiary importance will have to be considered before a complete scheme can be worked out.

Lastly, there remains the question of the flag. With regard to this the Admiralty earnestly desire that the flag to be flown in all the Dominion fleet units should be the White Ensign together with the Dominion Flag on the jack staff, the ships of the Royal Navy flying the White Ensign with the Union Jack on the jack staff.

G. H. REID.
R. B. D. ACLAND.
A. E. BETHELL.
W. GRAHAM GREENE.

31st January 1911.

P.S.—The question of the flag is reserved for the decision of the respective Governments.

G. H. R.

5111

No. 370.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential (3).)

MY LORD,

Downing Street, 17 February, 1911.

WITH reference to your telegram of 30th August last,* I have the honour to request you to inform your Ministers that the conferences which have taken place between representatives of the Admiralty and the High Commissioner for the Commonwealth regarding the organisation and status of the Australian Naval Forces have now been concluded, and the result has been drawn up in a report signed by all the representatives who took part in the discussion.

2. I enclose three copies of this report† for the consideration of your Government.

* No. 359.

† Enclosure in No. 369.

3. I have to add that it was arranged with Sir George Reid that the report should be treated as Confidential, and that it should not be published by either Government without the consent of the other side.

I have, &c.,
L. HARCOURT.

34271

No. 371.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.20 a.m., 4 March, 1911.)

TELEGRAM.

[Answered by No. 372.]

Your telegram, 7 November.* Very anxious for reply to my telegram, 4 February,† discussion of status of Dominion navies. Canadian representative should arrive as soon as possible after Easter.—HARCOURT.

7305

No. 372.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.25 p.m., 4th March, 1911.)

TELEGRAM.

Your telegram of 4th February.† Government of Canada sending R. C. Smith, K.C., of Montreal, to discuss with Admiralty questions raised in printed memorandum. He expects to be in London about the middle of March.—GREY.

7306

No. 373.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.40 p.m., 4th March, 1911.)

TELEGRAM.

[Answered by No. 374.]

Government of Canada desire that "Niobe" [? should go] on a cruise to Bermuda for the following reasons:—(1) Bad for discipline in a sea-going ship, especially if newly commissioned, to keep too long in harbour. "Niobe" has large number of recruits on board. (2) Admiralty has lent to Government of Canada number of highly skilled gunnery and torpedo ratings. To keep in efficient condition it will be necessary that they should go through certain practical exercises, which cannot be carried out near Halifax. (3) Three midshipmen already much behindhand, and cannot obtain instruction as to practical seamanship and navigation, engine-room training, duties of officer of watch at sea, &c. (4) Young engineer officers and new stokers require training not obtainable in harbour. (5) General health of ship's company will be benefited by cruise.

In view of above does Admiralty object to proposed cruise?—GREY.

* No. 367.

† No. 368.

7306

No. 374.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.20 p.m., 8 March, 1911.)

TELEGRAM.

[Copy to Admiralty, 10 March, 1911. L.F.]

Admiralty appreciate reasons for desire of your Government to send "Niobe" on cruise to Bermuda, and have again carefully considered matter, but, as pointed out previously, until question of status, &c., has been discussed and determined a number of difficult and complex questions are certain to arise. If representative is sent at once matter can be discussed without delay, but meanwhile His Majesty's Government deprecate earnestly cruise outside Canadian waters.—HARCOURT.

7305

No. 375.

CANADA.

COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, 17 March, 1911.

WITH reference to previous correspondence respecting the status of the fleets of Canada and Australia, I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Lords Commissioners of the Admiralty, copies of telegraphic correspondence* with the Governor-General of Canada respecting the discussion of this question with a representative of the Dominion Government.

2. I am to add that Mr. Harcourt considers it desirable that a representative of the Colonial Office should be present at the interviews with Mr. Smith, and I am to request that notification should be sent of the time appointed for the first interview.

I am, &c.,
C. P. LUCAS.

9192

No. 376.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21 March, 1911.)

(No. 129.)

SIR,

Government House, Ottawa, Canada, 10 March, 1911.

WITH reference to Lord Crewe's despatch, No. 770, of the 20th October last,† enclosing a copy of a letter from the Admiralty on the subject of the status of Dominion ships of war, I have the honour to forward, herewith, for transmission to the Admiralty, copies of an approved minute of His Majesty's Privy Council for Canada stating that my responsible advisers concur in the suggestion that His Majesty's Canadian ships "Niobe" and "Rainbow" shall fly the white ensign and pendant with the Canadian flag at the stem, at any rate until some definite arrangement has been arrived at after consultation between representatives of the Admiralty and the Canadian Government.

I have, &c.,
GREY.

* Nos. 368, 371, and 372.

† No. 366.

Enclosure in No. 376.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 3rd March, 1911.

(P.C. 289.)

The Committee of the Privy Council have had before them a report, dated 10th February, 1911, from the Secretary of State for External Affairs, to whom was referred a despatch, dated 20th October, 1910, from the Right Honourable the Principal Secretary of State for the Colonies, enclosing copy of a letter from the Admiralty on the subject of the status of Dominion ships of war.

The Minister states that the Minister of the Naval Service concurs in the suggestion that His Majesty's Canadian ships "Niobe" and "Rainbow" shall fly the white ensign and pendant, with the Canadian flag at the stem, this being a temporary measure pending a definite arrangement being arrived at after consultation between representatives of the Admiralty and the Canadian Government, or at the next Imperial Conference, and that instructions have been issued to the ships accordingly.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to inform the Right Honourable the Principal Secretary of State for the Colonies in the sense of this minute.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

9192

No. 377.

CANADA.

COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, 23 March, 1911.

WITH reference to the letter from this Office of the 17th of March,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Lords Commissioners of the Admiralty, the accompanying copy of a despatch† from the Governor-General of Canada stating that his Government concur in the suggestion that the ships of war "Niobe" and "Rainbow" should fly the white ensign and pendant with the Canadian flag at the stem, as a temporary measure pending a definite arrangement being arrived at as to the status of those vessels.

I am, &c.,
C. P. LUCAS.

14148

No. 378.

MEMORANDUM OF PROVISIONAL ARRANGEMENT REGARDING THE
STATUS OF THE CANADIAN NAVY ACCEPTED BY MR. SMITH.

(As communicated by Admiralty on 29th April, 1911.)

(Confidential.)

NAVAL SERVICE OF CANADA.

1.

The Canadian Fleet to be a sister member of the King's Navy, the other members being the Fleet of the United Kingdom and the Fleet of Australia.

2.

All units of the King's Navy to hoist a common ensign, the White Ensign, as the symbol of the authority of the Crown, and each to hoist also the member's own distinctive flag.

3.

The Canadian Fleet to be entirely under the administrative control of the Dominion Government.

* No. 375.

† No. 376.

4.

The training and discipline of the Canadian Fleet to be uniform with that of the Fleet of the United Kingdom.

5.

In time of peace :—

- (a) The Canadian Government to have entire control of the movements of ships in the Canadian Naval Stations, which shall be constituted so as to include in the Atlantic Station the waters North of 30° and West of 40° and in the Pacific Station the waters North of 30° and East of 180°.
- (b) The Stations so defined to be treated as reserved to the Canadian Fleet, and the Admiralty not to send their ships to Canadian waters except (after notification to/with the concurrence of) the Canadian Government.* United States ports, Bermuda, and Newfoundland to be outside this arrangement.
- (c) In the event of the Canadian Government desiring to send ships to foreign ports, or ports outside such Stations, the proposal to be (concurred in by/notified to†) the Imperial Government in such time and manner as is usual between the Admiralty and the Foreign Office.
- (d) Outside of such Stations, the Canadian ships, when with ships of Royal Navy, to have the same relations to other ships of King's Navy as obtain in the Royal Navy. The Senior Officer, whether Canadian or Imperial, to have command, but no power to direct the movements of the ships of the other Service, unless engaged by arrangement on joint Imperial Service, or by arrangement on joint Fleet cruises or exercises.

6.

In the event of war, the Canadian Government to be at liberty to withdraw its Fleet from membership with the King's Navy before joining in hostilities. The British Admiralty to control the whole of the King's Navy engaged in hostilities, and if a Dominion Government has resolved upon common action in a war it is not to be at liberty to withdraw its Fleet from the membership so long as the war lasts. In accordance with the Canadian Naval Service Act, 1910, the placing of the Canadian Fleet at the disposal of the Admiralty to be the subject of a formal Order of the Governor-General in Council.

7.

The Naval Discipline Act to be amended so as to enable the Governor-General of a Dominion by Order in Council to apply the Naval Discipline Act and any amendment thereof to the ships, officers, and men provided and maintained by that Dominion, and the Act to be also amended so as to provide that when the Act is so applied the expressions "His Majesty's Navy" and "His Majesty's Ships" shall include for the purposes of that Act the Fleet provided and maintained by such Dominion and the ships comprising such Fleet respectively. Power to be reserved to the Governor-General in Council to prevent the application of any sections of the Naval Discipline Act except those contained in Parts I. (except Section 1), II., III., IV., and Sections 86 to 98, inclusive, of Part VI. and Section 101 of Part VII.

The Act to be further amended so as to provide that the expressions "Admiralty," "Lords of the Admiralty," and "Secretary of the Admiralty," shall mean, in relation to the Fleet and ships provided and maintained by a Dominion or any officers and men borne on the ships' books, the Ministerial authority charged with the administration of the Naval Service of the Government in question, and that in relation to such officers and men the expression "England or the United Kingdom" wherever used should mean the Dominion providing and maintaining the Fleet and ships.

8.

Should a Court Martial have to be assembled and a sufficient number of officers of the requisite rank not be available in the Canadian Naval Service at the time, arrangements to be made by the Admiralty, at the request of the Minister of Naval Service, for detailing additional officers from the nearest Station of the Royal Navy.

* The version of this arrangement handed in by Mr. Smith has only "with the concurrence of."

† The version handed in by Mr. Smith has only "to be notified to."

20.

The Declaration of London.

754

No. 379.

ADMIRALTY to COLONIAL OFFICE.

(Received 7 January, 1910.)

[Answered by No. 380.]

SIR,

Admiralty, 4th January, 1910.

I AM commanded by my Lords Commissioners of the Admiralty to forward herewith, for the information of the Secretary of State for the Colonies, copy of the interim report* of the Inter-departmental Committee, presided over by the Lord Gorell, on the subject of the action to be taken, by legislation or otherwise, to apply the provisions of the International Convention of the Hague, 1907, and of the Declaration of London, 1909, as to the establishment of an International Court of Appeal in Naval Prize Cases.

The Committee have considered carefully the subject referred to them, but before pursuing their enquiry further they desire to have instructions upon the following points:—

- (a) Abolition of certain Vice-Admiralty Courts so as to have a uniform jurisdiction in all of His Majesty's Dominions.
- (b) Constitution of Judicial Committee of Privy Council as the Supreme Court of Appeal in Cases of Naval Prize.
- (c) Question whether liability for payment of compensation for damages should be accepted by the Crown as a general rule, except perhaps in the case of unauthorised captures.

My Lords understand that the Naval Prize Bill as originally drafted was communicated to the Governments of the Self-governing Dominions, and that it may be expedient to forward, similarly, copies of the present Bill. Inasmuch, however, as this Bill provides for the constitution of the Judicial Committee of the Privy Council as a Supreme Court of Appeal in matters of Naval Prize, my Lords are advised that it would be desirable that the proposal should be first of all approved by His Majesty's Government before copies of the revised Bill are sent to the Dominion Governments.

I am accordingly to request that Lord Gorell's interim report may receive early consideration.

A copy of the Naval Prize Bill* as revised by the Parliamentary Counsel for the use of the Committee is also enclosed for the consideration of the Secretary of State for the Colonies.

I am, &c.,

W. GRAHAM GREENE.

754

No. 380.

COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, 14 February, 1910.

I AM directed by the Earl of Crewe to acknowledge the receipt of your letter of the 4th of January,† on the subject of the action to be taken to apply the provisions of the International Convention of the Hague of 1907 and of the Declaration of London, 1909, as to the establishment of an International Court of Appeal in naval prize cases.

2. I am to request that you will inform the Lords Commissioners of the Admiralty that Lord Crewe entirely agrees that a uniform jurisdiction in matters

* Not reprinted.

† No. 379.

of prize throughout His Majesty's dominions is desirable. As suggested in the Admiralty letter of 16th March last,* the abolition of the Vice Admiralty Courts in Victoria and New South Wales was again proposed to the Governments of those States in a despatch of 26th March* (a copy of which is enclosed), but no reply beyond the telegram† a copy of which is also enclosed has been received, and the question remains therefore unsettled. It is possible that, in view of the observations which follow, their Lordships may wish that a telegram should be sent to the State Governors, asking that the consideration of the question may be further deferred.

3. I am to observe, for the consideration of their Lordships, that the uniformity which would be attained by the application of the Colonial Courts of Admiralty Act, 1890, to those Colonies where Vice Admiralty Courts still exist could equally be attained were the power conferred by Section 9 of the Act (and Clause 3 of the Naval Prize Bill) to set up Vice Admiralty Courts in all Colonies to be exercised. The Vice Admiralty Court being an Imperial Court with no local appeal, all appeals in prize cases would necessarily go directly to the Privy Council, and it is possible that this method would be preferred by Colonial Governments, as it would avoid the objection which might be felt to a proposal to eliminate all local appeals from a Colonial Court (see Section 9 of the Bill). The Vice Admiralty Court would, of course, consist of the same judges and officers as the Colonial Court of Admiralty.

If their Lordships see no objection to this suggestion, Lord Crewe would propose that, as soon as the Bill has been settled, this suggestion should be submitted to the self-governing Dominions as an alternative to the creation of Colonial Courts of Admiralty everywhere for the purposes of prize. Lord Crewe does not doubt that the good sense of patriotism of the various Governments will lead them to see how essential it is to have uniformity in a matter of this kind, and that it is impossible to attain it except through a Supreme Prize Court sitting in London, but he regards it as of great importance that he should be able at the same time to assure them that the Supreme Prize Court will, like the Judicial Committee of the Privy Council, include Colonial judges, and I am to suggest that provision should be made in the Bill accordingly.

With regard to the question whether liability for payment of compensation for damages should be accepted by the Crown as a general rule except in the case of unauthorised captures, Lord Crewe does not feel that he is in a position to express a final opinion, but I am to submit the following observations for the consideration of their Lordships.

As the Naval Prize Law Committee have pointed out, the distinction between the liability on the part of the captors and on the part of the Crown to pay damages was very real in the days of privateering, but now no longer exists. All captains will, with possibly rare exceptions in the case of unauthorised captures by non-commissioned ships, be effected by naval officers acting with the authority of the Sovereign, and it would therefore seem reasonable that the Crown should accept the responsibility of the captors in all cases, except unauthorised captures. This, as the Committee also point out, would not prevent disciplinary powers being exercised against naval officers who go beyond their instructions.

The existence of Colonial ships of war will, however, undoubtedly introduce a new element into the question. Having regard to the great size and value of modern steamers and their cargoes, it would be easy for the captain of such a ship of war to expose His Majesty's Government to very heavy claims from the subjects of neutral States. Their Lordships will remember that during the South African war the short detention of the "Bundesrath" and four other ships, none of them large ships, as modern ships go, and two of them quite small, cost His Majesty's Government some £30,000, and it is obvious that in a naval war the unjustifiable capture of a few large mail steamers would result in claims of many times that amount.

This consideration undoubtedly points to the conclusion that Colonial Governments should bear the consequences of any wrong capture by a ship of the Colonial Navy, while on the other hand receiving the proceeds of prizes taken by Colonial ships and distributing prize bounty to their own men.

In this connection I am to observe that Section 31 of the Bill appears to contemplate only one order for prize bounty. Lord Crewe is not aware whether there would be difficulty in fixing different rates for different stations or ships, or indeed whether it is intended to continue the old practice of giving prize bounty, which was,

* 9405/09: not printed.

† 1333/10: not printed.

he believes, formerly given as an inducement to secure recruiting, and which may be considered less suitable to modern conditions than some other arrangement.

Without knowing what policy in regard to these matters the Admiralty propose to pursue, Lord Crewe feels that it is impossible for him to express any confident opinion on the question of asking Colonial Governments to accept liability. It will in any case be necessary to make some statement of policy on the subject of prize bounty when the Bill is communicated to the self-governing Dominions, and Lord Crewe hopes that for this reason it may be possible to arrive at an early decision on the policy to be pursued.

If no practical objection exists with regard to prize bounty, and the self-governing Dominions are to be asked to accept liability for unjustifiable captures, it is possible that they may object to doing so on the ground that their ships will be under the command of the Admiral. Lord Crewe feels that there may be some force in this contention, and he would suggest that the self-governing Dominions should only be asked to accept pecuniary liability in respect of any capture made by their ships which may be either not in accord with the standing instructions in the manual issued by Admiralty or special instructions issued for the particular case by the British Admiral in command or which, though so according, may be adjudged invalid by the Hague Tribunal. In cases which are not carried beyond the Privy Council, the standing or special instructions should give adequate protection to the Colonial captor or his Government. In the case of an adverse decision by the Hague Tribunal there does not appear to be anything unfair in asking the self-governing Dominion whose ship has made the invalid capture to bear the cost of an award, which is, after all, a small part of the total liability undertaken by the Empire when it carries on war.

I am to add, in conclusion, that, as soon as His Majesty's Government have settled the text of the Bill, Lord Crewe considers it essential that it should be communicated to the self-governing Dominions, with full explanations of the reasons for its principal provisions.

I am, &c.,
C. P. LUCAS.

38816

No. 381.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 20 December, 1910.)

[Answered by No. 382.]

Sir,

Foreign Office, December 19, 1910.

I AM directed by Secretary Sir E. Grey to state, for the information of the Secretary of State for the Colonies, that his attention has been called to a telegram which appeared in the "Times" of the 1st instant, reporting the resolutions which the Commonwealth Government propose to lay before the Imperial Conference.

No. 4 of these resolutions is in the following terms:—

"The rejection of Articles 48 to 54 of the Declaration of London, and the omission of foodstuffs from Article 24."

Mr. Harcourt is, no doubt, aware that the objections to these Articles of the Declaration of London are, in the opinion of Sir E. Grey, based upon misapprehensions as to their true intent and effect; but the fact that such objections have been espoused by the Commonwealth Government raises the question whether it would be judicious in the circumstances to proceed with the ratification of the Declaration of London without further consultation with the Imperial Conference.

Sir E. Grey is disposed to think that His Majesty's Government should either postpone ratification till after the Imperial Conference, or that a despatch should be addressed to the Commonwealth Government explaining that the objections which have been urged against ratification are not, for reasons which could be stated in detail, conclusive.

Upon the whole, but subject to the better judgment of Mr. Secretary Harcourt, Sir E. Grey would suggest that the more convenient course may be to discuss and explain the terms of the Declaration at the Imperial Conference.

I am, &c.,
W. LANGLEY.

39643

No. 382.

COLONIAL OFFICE to FOREIGN OFFICE.

Sir,

Downing Street, 12 January, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 19th December,* on the subject of the proposal of the Government of the Commonwealth to discuss the terms of the Declaration of London at the Imperial Conference of 1911.

2. In reply, I am to transmit to you, to be laid before Sir Edward Grey, the accompanying extract from a telegram from the Governor-General of the Commonwealth of Australia giving the text of the resolution to be proposed by the Commonwealth Government at the Conference, and to say that, in Mr. Harcourt's opinion, it will be very desirable that the matter should be discussed as proposed at the Conference, and that, therefore, the ratification should accordingly be postponed until after the Conference has taken place.

3. It will be observed that the Commonwealth resolution opens by expressing regret that the Dominions were not consulted prior to the acceptance of the terms of the Declaration of London by the British delegates. On the particular Articles of the Declaration mentioned in the resolution Sir E. Grey will, no doubt, be able to furnish adequate reasons for the attitude assumed by His Majesty's Government. The question whether the Dominions should be consulted in such cases was, as Sir E. Grey will remember, raised in connexion with the Bill required to be passed before His Majesty could assent to the various conventions agreed to at the second Hague Conference, with the exception of the twelfth Convention, out of which arose the London Conference and the Declaration of London. It will be seen, by reference to the Colonial Office letter of the 20th of February, 1909,† that Mr. Harcourt's predecessor did not desire to suggest that in international questions other than commercial the consent of the Dominions should be made essential, or that they should be represented separately at future Conferences on such matters. It was, however, suggested that it would in future be desirable that the Dominions Governments should be represented on any Interdepartmental Committee appointed to examine international agreements of the character in question prior to ratification. This suggestion did not, however, commend itself to Sir E. Grey, as appears from the Foreign Office letter of the 31st of March, 1909.‡

4. In the case of the Naval Prize Court Bill, which arose out of the Declaration of London itself, there was not sufficient time to consult the Dominions, and the Bill was eventually sent out simply for their information.

5. Sir E. Grey will, no doubt, agree that it is very desirable that His Majesty's Government should carry the Dominions Governments with it in such matters. The discussion of the Declaration of London at the Imperial Conference before it is ratified should be sufficient evidence of the wishes of His Majesty's Government, and in this connexion further consideration will, no doubt, be given to the suggestion for the appointment of Dominions' representatives on Interdepartmental Committees, though there is, of course, no certainty that such committees will always be appointed, and there may be practical difficulties in securing adequate representation from the Dominions, or representation satisfactory to the Dominions themselves without unduly enlarging the size of such Committees, and making them less adapted for the purpose for which they are intended.

6. I am to add that in any discussion of this matter Mr. Harcourt apprehends that it will be necessary to point out clearly that the international responsibility must in present circumstances remain with His Majesty's Government, and that in the exercise of that responsibility they may have on occasion to proceed without prior consultation of the Dominions, and may not always be able to meet the wishes of the Dominions if consulted. In such cases His Majesty's Government must, of course, rely on the Dominions to co-operate loyally in the steps which they take in the interests of the Empire at large.

I am, &c.,
C. P. LUCAS.

* No. 381.

† No. 17 in Dominions No. 11.

‡ No. 18 in Dominions No. 11.

Enclosure in No. 382.

"Declaration of London.—That it is regretted that the Dominions were not consulted prior to the acceptance by the British delegates of the terms of the Declaration of London, that it is not desirable that Great Britain should adopt the inclusion in Article 24 of foodstuffs in view of the fact that so large a part of the trade of the Empire is in those articles: that it is not desirable that Great Britain should adopt the provisions of Articles 48-54 permitting the destruction of neutral vessels."

4909

No. 383.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. Confidential.)
(Australia. Confidential (2).)
(South Africa. Confidential.)

(New Zealand. Confidential.)
(Newfoundland. Confidential.)

MY LORD,
SIR,

Downing Street, 17 February, 1911.

WITH reference to my despatch No. [38] [25] [30] [17] [8], of the 20th January,* transmitting the agenda for the Imperial Conference, I have the honour to transmit to [Your Excellency] [you] the accompanying copies of a memorandum on the Declaration of London which has been prepared by the Earl of Desart.

2. This memorandum is forwarded for the confidential information of your Ministers, as a statement supplementary to the explanations contained in the Parliamentary Paper [Cd. 5418] circulated to your Government on 9th December last, with a view to the discussion of the sixth resolution of the Commonwealth of Australia at the Imperial Conference.

I have, &c.,
L. HARCOURT.

Enclosure in No. 383.

MEMORANDUM BY THE EARL OF DESART RESPECTING THE EFFECT OF SOME OF THE PROVISIONS OF DECLARATION OF LONDON, 1909.

Confidential.

BLOCKADE.

It is common ground that the ships and goods of neutrals who knowingly endeavour to carry or send goods to a blockaded port or coast are proper subjects of capture and condemnation, and that the owners have no claim to the protection of their Government against the recognised rights of the blockading belligerent.

The rights of the neutral trader are that his property shall not be condemned if he is in ignorance of the blockade and unless it is established that at the time of capture the destination of the ship is the blockaded port or coast, while the blockade must be effective and impartially enforced against all nations.

All these rights are preserved by the Declaration, and, so far as the interests of traders are concerned, they benefit (for what it is worth) by the limitation of the area of capture and of the right of pursuit.

On the other hand, by the abandonment of the French rule that a ship should not be condemned in the absence of special notification of the blockade to the master, they might lose something in case of a war in which the French were the blockading Power. This right has, however, never been admitted by us.

From the neutral trader's point of view, therefore, there is nothing in the Declaration which injuriously affects the position from the British point of view.

It remains to be considered whether by the Declaration Great Britain has abandoned any belligerent right which is of practical importance for the purposes for which blockade is used as a weapon of war.

* No. 6 in [Cd. 5513].

It is submitted that articles 1-16 practically restate rules which have been hitherto recognised by our Courts, and make no alteration in the established practice. The same may be said of articles 18 and 19, and article 21 in substance corresponds with the English rule.

It is to be observed that the Declaration establishes the English rules as to sufficiency of notification, and that the French rule of special notification to a vessel before she can be condemned has not been adopted.

This is a matter of some importance, for the admission of that rule would have enabled vessels to endeavour to break blockade with complete immunity. They might succeed, and the worst that could happen to them would be to be turned back.

Articles 17 and 20, however, undoubtedly contain concessions as to principles hitherto adopted in theory by the English Prize Courts.

Those Courts have expressed the view that a vessel setting forth with the intention of breaking a blockade might be captured at any stage of her voyage after leaving her home port or original port of departure for the voyage, and equally at any stage of her return voyage from the blockaded port or coast.

By Articles 17 and 20 of the Declaration this principle is abandoned, and the right of capture is limited to the area of the blockading operations or to any place to which there has been continuous pursuit from any part of that area.

It is alleged that by this concession the British Government have abandoned rights of importance and of high value to Great Britain as a belligerent when using the weapon of blockade against her adversary.

Somewhat careful examination is required to test the real value to a belligerent of the principle conceded.

It is also desirable to consider whether the advantages of a recognised rule do or do not compensate for any sacrifice that may be involved in the concession, bearing in mind that there is a large body of Continental opinion that some fixed line constitutes a blockading line, and that a ship can only be captured when she is practically passing or just about to pass that line—and it has been contended that effective blockade must be by stationary guards, rendering it physically impossible to pass.

It may be assumed that the British Government would not in any case have assented to either of these views being recorded as the law to be administered by the International Prize Court, but equally it should be remembered that the States which held those views have gone very far towards the adoption of the British principles—so far, in fact, that for practical purposes the power of blockade is not materially diminished by the apparent concession made as to the places where capture is legitimate.

A careful examination of the reported cases shows that, although in some of the judgments the principle that a vessel sailing towards a blockaded port with knowledge of the blockade is *in delicto* from the moment of starting is laid down, in fact the cases do not furnish a single clear instance of the condemnation of a ship found in a position consistent with an innocent destination.

This is the result of the examination of eighty-eight cases, which are believed to comprise all those which have any bearing on the question under consideration. It should perhaps be said that in four cases of condemnation the locality of capture does not appear in the report.

Further, the British rule relieved a ship from condemnation if it appeared that, even though she had originally started for the blockaded port or coast, she had, before she was sighted and visited, definitely abandoned the destination.

Thus, in modern times, when land transit to a blockaded port is nearly everywhere available, it is almost certain that vessels will have an alternative destination, and it would in most cases be impossible to show that the blockaded port and not the neutral port was the real destination, unless the ship was in such a situation as to preclude that possibility. In that event, looking to the great elasticity of the definition of the "area of operations," she would in almost every conceivable case be in a position where she might be captured and condemned.

Looking, therefore, to history, to the limitation of our theoretical rule, and its working in practice, as well as to the wide limits which may be included in the "area of operations" of the war-ships detailed to render the blockade effective, the result is that Clause 17 in effect means, if not all that *might* be covered by the old principle, all that it was found in practice could be effectually put in force thereunder, and that in this respect Great Britain has in no sense weakened her effective power of blockade, while she has obtained almost complete acceptance of her principles, and

complete abandonment of the French rule of notification and of the Continental theory of definite lines of blockade.

So far as it would be a deterrent to attempts to commit breach of blockade, it must be conceded that we have given away something by abandoning the right to seize a blockade-runner on her return voyage unless pursued from the area of blockade.

In practice the opportunity of doing this would not often arise, and it is not likely that a war-vessel would be detached from more important duties for the purpose of seizing a vessel which at the time was not engaged in any operations injuring the belligerent—merely for punitive purposes or prize money.

It would be going too far to say that there could be no occasion on which it might be advisable to exercise this power, but such occasions would be rare, and the claim to exercise it would not afford any real deterrent to those who were prepared to incur the risks of blockade-running in consideration of the profits to be gained thereby in the event of success.

Some comment has been made on the fact that the Declaration contains no provision as to what is termed "pacific blockade."

Any such provisions would have been out of place, for "pacific blockade" is in theory not an act of war, and the International Prize Court is only created to deal with capture during war in relation to the matters enumerated in Article 3 of the Prize Court Convention.

CONTRABAND.

The chapter of the Declaration dealing with this subject has been much criticised, both from the point of view of neutral traders and from that of belligerents. I propose to examine it, in the light of those criticisms, as to its effect on the interest of Great Britain when neutral and when belligerent.

It has been said by one critic that it is for the Prize Courts to decide according to the circumstances whether an article is contraband, that no list can be made which should always be applicable, and that articles may be included in such a list which in some wars ought not to be contraband, and articles excluded which in some wars ought to be contraband.

This may be true to some extent, but to leave the question still at large would fail to provide any security for traders as to what they might or might not carry during war, and this, subject to the preservation of belligerent rights, was perhaps the principal purpose for which agreement was sought by the Powers both at The Hague and in London. Looking at the list, it seems difficult to say that anything therein, with the possible exception of No. 7 (animals), would not necessarily be absolute contraband in almost every conceivable war, and even if there were cases in which it was otherwise, the belligerent would then have no object in bringing in the carrying ship, since it is not in his interest to annoy neutrals for no advantage to himself. It is true that the list may not include everything that could be absolute contraband in any possible war, but this contingency is met by Article 23, and in the case of conditional contraband by Article 25.

The actual lists were agreed upon with much difficulty, but the opinion prevailed that few greater reforms could be effected in this direction than to substitute certainty for uncertainty. The advantages to what I may call for this purpose "the honest trader" are apparent, and the agreement on definite lists of contraband would also benefit the belligerent in that it would afford clear guidance to his officers and minimise the risk of complications with neutral Powers, which might be of much danger at a time of stress and pressure.

The right of the belligerent to make additions to the lists of contraband by notification to other Powers has been questioned, as enabling him to do this arbitrarily and thus at his own will to treat contraband goods which do not fulfil the requisite conditions to give them that character.

This is met by the language of the Declaration, which, in giving the right, provides that the articles added to the list of absolute contraband must be limited to such as are exclusively used for war and those added to the list of conditional contraband susceptible of use in war.

If articles declared to be contraband were not within this description the carrier would not be liable to condemnation and the owner of the goods would be compensated, and (short of going to war) this is, under existing circumstances, the only remedy against arbitrary or unjustifiable seizure. Seizures of that character would,

as it appears to me, be equally likely, if not more likely, to occur if it were—as it is—left to the Prize Court to say whether in particular circumstances an article is or is not contraband.

It has been said that additions to lists ought only to have been allowed by agreement, and not at the will of the belligerent.

This would be impracticable because of the time it would occupy to invite and obtain such agreement. Even if the war were not over, the object of the proposed addition would probably have ceased to exist before the assents of all neutral Powers could possibly be obtained.

The agreement on a free list (Article 28), coupled with the provision in Article 27 (which is really a necessary inference from the provisions of the previous articles dealing with contraband) that articles not susceptible of use in war may not be declared contraband, is of much advantage to neutral traders. In respect of the carriage of such articles he is always safe, and security is the soul of straightforward and legitimate trade.

So far the criticisms of the chapters on contraband do not seem very formidable, and I think impartial consideration would result in the conclusion that neutral traders benefit—and that no just right of belligerents is weakened.

Whether articles, being such as are capable of being contraband, are in fact contraband depends on their destination, and the rules by which destination may be established or presumed raise points of considerable difficulty on which different views have been held by different Powers, and on which, when the Conference met, there could not be said to be anything approaching general agreement.

Without agreement on this point no provision as to the nature of contraband would have removed uncertainty as to the rules to be applied as to carriage of contraband, with regard to which the divergences of theory and of practice that exist produce so great a sense of insecurity and involve neutral traders from time to time in serious losses. The importance of some agreement on this point was emphasised by the action of the belligerents in the Russo-Japanese war, when traders of neutral States were penalised by decisions not in accordance with the rules recognised by their own Courts, but as to which the belligerents' Prize Courts afforded no adequate redress.

This it was, perhaps, more than any one other consideration, that induced the Government to seek by international agreement some uniform rule enforceable in the last resort by an International Court, with a view of securing ultimate justice and redress on some fixed principle to those who might, as they conceived, be denied them in the national Courts of a belligerent.

It is said that justice will not be secured in such a Court, that it is to degrade national Courts and to destroy the independence of nations that the decisions of the former should be subject to review in a foreign Tribunal; and that the latter should be bound to give effect to the judgments of such a tribunal. The assumption that justice will not be done by a number of distinguished jurists administering an agreed code of laws in public before the eyes of the civilised world seems a startling one, and the question whether it is advisable to allow appeal from the national Courts or not should scarcely be thus disposed of, but deserves consideration by each State on general grounds, and particularly with regard to its own interests when belligerent and the interests of its traders when neutral. If it be of advantage, it must follow that there is the obligation of duty and of honour to give effect to the decisions of the International Court.

Now, how do things work out at present when Great Britain is neutral? Our traders are dealt with by the national Courts of the belligerents acting not infrequently on principles which we do not admit, and sometimes, as we have thought, doing substantial injustice to our traders. In that respect we do not sustain our view of the law, but suffer from these decisions without any remedy but war.

The injury may be great, but the remedy of war disproportionate, looking to the infinite suffering, the commercial confusion, and the enormous cost occasioned by such a remedy. Is it not wise to seek some other means of adjusting differences of this character, and to endeavour to find common principles to be enforced by some Tribunal acceptable to all?

It is obvious that no arrangement of that character can be reached without compromise, and it was thought convenient to make these general observations before dealing with a question on which there has unquestionably been compromise, and enquiring how, and in what degree, the rules so reached affect the position of Great Britain as a combatant, or its traders when a neutral.

With regard to destination, different considerations apply under the Declaration as to absolute and as to conditional contraband. In effect, with regard to the former the ultimate destination of the contraband cargo is the test, that is, although the destination of the carrying vessel may be a neutral port, the belligerent may yet seize and get the contraband condemned—and in certain conditions the vessel—if he can show that the contraband was, after being landed at the neutral port, to be conveyed, either by transshipment or overland, to the enemy or to enemy territory. With regard to the latter (conditional contraband) it is otherwise. In that case the destination of the cargo is held for this purpose to be the destination of the carrier, and it cannot therefore legitimately be seized or it or the vessel brought in for adjudication if she is bound only for a neutral port.

This was a compromise between divergent, and in the first instance apparently irreconcilable, views.

While the view that the destination of the cargo, and not that of the carrier, was the proper test was maintained by some Powers, it was rejected by others, and there seemed to be no possible basis for agreement.

The proposition was then made that the destination of the cargo should be the test in the case of absolute, and the destination of the ship in the case of conditional, contraband. The British delegates were instructed to examine this proposition carefully, and, after full consideration by the Government of the position and of the effect of the proposal, they were instructed to accept it.

In view of the not unreasonable anxiety that has been aroused by what is thought to be an important concession in principle on the part of Great Britain, it is of importance to examine closely into its practical effect.

It should first be said that Great Britain refused to entertain the suggestion that as regards absolute contraband the destination of the cargo should be held necessarily to be that of the carrier if the latter was bound for a neutral port.

That it should be possible for a neutral to carry on a trade in arms and munitions of war with a belligerent by means of first conveying these articles to some neutral port close to the frontier of that belligerent would not only be a grave wrong to the other belligerent, but would almost certainly not be tolerated if he were in a position to stop it. It would, in such a case, be apparent that the articles could not have any other than enemy destination, and to stop such a traffic could constitute no oppressive treatment of neutral trade. We asserted this right during the South African war, when it was contested by the German Government. If the Declaration is ratified the doubts that now exist on this point will be removed.

With regard to conditional contraband, the position is altogether different. Conditional contraband consists of goods and articles which, although they may be serviceable to a belligerent force, are in themselves ordinary articles of trade bearing no warlike impress. For them no mere destination to enemy territory (if and when that could be established) is sufficient. Only destination to the military forces or Government of the enemy would be sufficient to create their contraband character. It appeared to the Government in these circumstances that, even if the principle of ultimate destination were held to be applicable to conditional contraband, it would in modern conditions be of little if any practical advantage to the belligerent who desired to intercept that trade.

In that case it is obvious that any cargo intended for belligerent forces or a belligerent Government would not be so earmarked. It would be consigned either to a neutral trader in the neutral port to which the carrying vessel was bound, or to order of a neutral consignee there. Thus, as the cargo would consist of articles of ordinary trade, there would not be a scrap of evidence from their character or their destination to show that they were contraband, and their seizure or the detention of the vessel would be equally unjustifiable. In the altered conditions of traffic and the modern facilities of land communications no real check could be maintained on this traffic, carried on in this way, by the assertion of the right to look to the ultimate destination of the cargo. It may be said that this nullifies all effective power as to checking the trade in conditional contraband. To a great extent this must be so, but it arises from unavoidable conditions, and not from the non-applicability of the doctrine. Recourse to land-carriage does, however, largely increase the cost to the belligerent of obtaining his supplies, and in that respect the powers of a belligerent as to intercepting conditional contraband are by no means without value.

It has been urged, in criticism of the action of the British Government on this

point, that, whereas Continental Powers, when belligerent, have been afforded greater facilities for supplying themselves with food, no such advantage has been obtained by insular Powers in the same position. So far as regards Great Britain this is only partially true, although no doubt the facilities of Continental Powers for obtaining supplies through a neutral port would be somewhat greater than those of Great Britain.

As it appears to the writer, this country would, however, also gain materially. Cargoes in neutral ships might, in case of war with a Power in the north-east of Europe, be brought to a French port within a few hours' sail of our ports, and, in case of war with France, to a Norwegian or Swedish port. Thus it would be necessary for the enemy to have deprived us permanently, in the one case, of command of the Channel, or in the other, of the North Sea, to interfere with the subsequent carriage of grain or other foodstuffs to our ports. If this were the case, our position would have already become desperate.

It has been urged that the food supply of the population might be cut off on the pretence that it was conditional contraband, and that the powers created by the Declaration of sinking neutral prizes under limitations would further operate in this direction.

The first proposition rests on alleged ambiguities in the provisions of the Declaration as to conditional contraband, and the second on the alleged alteration of international law by the provisions as to dealing with neutral prizes.

The provisions of the Declaration do not appear to me to support the contentions of the critics in these respects.

By the governing article of the Declaration as to conditional contraband (33), it is clear that goods alleged to be conditional contraband must be destined for the use of the armed forces or a Government Department of the enemy State.

Unless this condition can be shown to exist, the goods are not capable of being condemned as contraband.

So far, the language of the Declaration does not appear to admit of doubt, and is in accordance with accepted rules. It has, however, been suggested that the presumptions as to destination specified in Article 34 would admit of the condemnation of food which was not in truth conditional contraband but destined for the general food supply of the population.

These presumptions are as follows :—

(a.) *If the goods are consigned to enemy authorities.*

To this, it is submitted, no exception can be taken, for it is literally in accordance with Article 33.

(b.) *If the goods are consigned to a contractor (English text) established in the enemy country who as a matter of common knowledge supplies articles of this kind to the enemy.*

It is suggested, firstly, that the French word "commerçant" should be translated "merchant" and not "contractor," and secondly that the word "enemy" includes the population of the enemy State and is not limited to the enemy authorities.

With regard to the first, the distinction is not, as it appears to me, of very great importance. A "merchant" who as matter of common knowledge supplied goods to the enemy authorities would almost certainly do so under formal contract, apart from the principle that all transactions of sale and purchase are, strictly speaking, contracts. In any case, if the merchant habitually did it, it would not much matter for this purpose whether he did so under a formal contract or not. The real points are that he must be established in the enemy country, and that as matter of common knowledge he supplies (which implies that he does so habitually) goods to the enemy authorities.

With regard to the second point, it is the case that the word "enemy," not "enemy authorities," is used in this connection, but this is an article which is merely explanatory of Article 33, and it is perfectly clear that, if it included the population of the enemy country, the presumption would be inconsistent with the governing provisions as to conditional contraband, and the food could not be treated as contraband. Shortly, it is clear that conditional contraband is created by and depends on its destination to the armed forces or Government of the enemy State, and, if it does not fulfil that condition, it cannot be seized and condemned.

But in any case the Secretary of State has stated that he will only ratify the Declaration if it is made clear that enemy in this article means the enemy State, and that must remove any ambiguity that may be said to arise from the unintentional omission of any qualifying adjective in the passage under consideration.

It is also to be observed that the foregoing are only *prima facie* presumptions, which may be rebutted, as they could be by showing the real destination of the suspected articles.

On the general observations that have been made that food should in no circumstances be contraband, this would be to suggest a rule of international law which would be impossible of attainment and unreasonable in itself. Food for the maintenance of the forces of a Government engaged in war is now held in such circumstances to be contraband.

It is to be observed in this connection that the chapter as to contraband expressly limits, so far from extending, the right to intercept foodstuffs on their way to the country of a belligerent. It has in former wars been claimed that when a belligerent might be reduced to submission by the starvation of a population dependent on a seaborne food supply, food might be declared to be absolute contraband. To take a comparatively recent instance, this course was actually adopted in the war between France and China in 1885 by the former Power. Protests were made by other Powers, but owing to the conclusion of the war shortly afterwards the right was never tested. The effect of the French Declaration, however, was, according to Hall's "International Law" (sixth edition, p. 659), a complete cessation of shipments of rice to China, trade was seriously injured, and the purpose of the French might have been attained before the protests of other Powers could have had any effect or result.

Russia in 1904 placed provisions on her general list of contraband, and though she withdrew this under pressure, she did so without conceding the principle that it might be generally contraband, and another great Power asserted at the same period that all articles declared contraband by either belligerent must be treated as such. Japan during the war condemned rice, the food of the Chinese, on the way to Manchuria, on the ground that in case of necessity the Russian army could eat rice, without evidence that it was destined for Russian authorities, and our protest produced no results.

In 1885 the German Government refused to protest against the French proclamation of rice as contraband generally, on the ground that it was a justifiable step as increasing the difficulties of their enemy, and tending to shorten the war, and in 1793 we ourselves directed the seizure of all vessels laden with provisions for a French port because there was a prospect of reducing the enemy by famine.

By the Declaration of London, the signatory Powers abandon definitely the right to declare foodstuffs to be absolute contraband, and an element of uncertainty of overwhelming importance to Great Britain in any future war is thus eliminated. It is not merely a misconception, but actually the reverse of the fact, to say that the Declaration involves the population of this country in a greater danger of interruption to their food supply in neutral vessels in time of war than at present exists.

(c.) *If the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy.*

It has been suggested that the words "base for the armed forces of the enemy" might include any large commercial port whence any goods of this character might be supplied to the enemy forces or Government. It is submitted that the words could not be so interpreted by any Court, and that they mean a place primarily devoted to military purposes. In any case they do not alter the existing position, under which the suggested contention might equally be put forward.

Under existing conditions it would be open to belligerents to declare almost any article to be *conditional* contraband, and possibly many not now included to be *absolute* contraband. Cargoes and vessels seized would be judged by the Prize Court of the belligerent captors, which would almost certainly maintain the contraband character of articles so declared by their own Government as well as so admitted by their own rules, which might not be in accord with those applied by the Courts of the neutral. No remedy would then be open to the neutral except war. Under the Declaration of London national Prize Courts will be under an obligation to administer the agreed rules, and if they fail to do so there will be the ultimate resort to the International Court.

To neutrals, at least, this must be a gain, and, as I have ventured to suggest above, if no material belligerent right is taken away, certainty as to the rule to be applied will free naval officers from much anxiety in carrying out belligerent operations, and eliminate the risks to their Governments of complications with neutral Powers at a time when such complications might involve them in great difficulty and even peril. At the same time, all nations would benefit by a system which lessened the risks of extending the area of war in consequence of some doubtful or ill-considered treatment by a belligerent of a neutral vessel.

The writer entirely concurs in the view that no rules should limit the right of a belligerent to exercise his utmost force to crush his opponent, and the provisions of the Declaration as to blockade and contraband do not, it is submitted, so affect a belligerent—except as to the provisions precluding certain articles, including food supply, from being declared absolute contraband, and this is a rule of immense advantage both to the trade of this country when neutral and to the entire nation when belligerent.

I have read more than one criticism in which it appears to be suggested that Article 40 deprives a belligerent to some extent of exercising the existing right of intercepting and capturing contraband.

Article 40 in no way touches the capture and condemnation of contraband goods. It only deals with the question of the ultimate condemnation of the ship carrying those goods.

It could, it is thought, hardly be contended that the carriage of any quantity of contraband, however small, should render the ship liable to condemnation. If that were so, a liner of 20,000 tons having amongst a large mixed cargo a case of two or three rifles might be condemned. The real point is the privity of the ship-owner or master with the contraband enterprise, and what is sought is a reasonable test of that privity. Our own existing principle that the condemnation of the ship—apart from any interest of the ship-owner in the contraband cargo—depends on the existence of forcible resistance or false papers is far from satisfactory, and direct proof of the privity of the ship-owner would generally be very difficult. There might be no evidence of his privity, even when the contraband constituted more than half of the cargo, and it is thought that a test such as that created by the Declaration affords to the belligerent a larger protection than under our rule. It is true that by fixing a standard it might enable the ship-owner to evade condemnation while carrying a large quantity of contraband, but it would not free him from the loss occasioned by being brought in for adjudication and the danger of being condemned in costs and expenses under Article 41.

The freedom of the belligerent in respect of the capture of contraband is therefore left quite unimpaired, and the provisions as to condemnation are not such as to encourage ship-owners to lightly embark in the trade of carrying contraband.

DESTRUCTION OF NEUTRAL PRIZES.

The view hitherto taken by this country and its Prize Court has been that a belligerent should not destroy a neutral vessel (putting aside special cases such as unseaworthiness) captured for the carriage of contraband, but that, if for any reason he cannot bring the vessel in for adjudication, he should, as a general rule, let her go free.

This was not the view of some Powers, who consider that the law of nations renders it permissible to destroy such vessels in cases where it is not possible, without inconvenience, to bring them in, provided that the papers are brought in and the crews and passengers taken off and safely bestowed.

Attempts were made, both at the Hague Conference and at the Naval Conference of London, to obtain recognition of our principle, but without success, and, failing any concession on our part, things must have remained as they were, and, as I think can be shown, in a position far more to our disadvantage as neutrals, than that which would be created by the Declaration of London.

The Powers that claim the right to destroy would still destroy, and neutrals would suffer without any redress except in the Prize Courts of the belligerent, which would necessarily adjudicate in accordance with their view of the law of nations, so that no remedy but the threat of war would remain to the neutral State whose nationals had suffered.

If the destruction were, in the opinion of the Court, justified, and the contraband character of the cargo established, there would be no compensation or redress for the neutral trader.

On the other hand, when we were belligerent, we should apply the rule we recognise, and if one of our war-ships destroyed a neutral (as might be necessary in the future, as it has been in the past) we should have to pay full compensation to the neutral owners of ship and cargo.

This is the existing situation which it is considered so important to preserve.

It is said the Declaration gives a right to destroy which did not previously exist. That right was claimed and might be exercised to our detriment, practically without check, while, if exercised, we were without redress.

Under the Declaration what has been done is not to give more licence to destruction, but to limit the exercise of the power, and to provide certain redress in nearly all cases for those injured thereby. The sinking of the "Knight Commander" in the Russo-Japanese war affords a modern instance of the exercise of the right, and illustrates the difficulty of obtaining redress when the neutral nation affected is not willing, or not in a position, to carry its grievance to the arbitrament of war.

There must occasionally be circumstances under which it would be the plain duty of a naval officer to destroy a neutral which he could not take in, and, as things at present stand, we should pay when we were belligerent and should probably get no redress when we were neutral.

This aspect of the case was considered by Lord Stowell, and I quote from passages in his judgments:—

"Actæon," 2 Dodson, 54:

"Lastly, it has been said that Captain Capel could not spare men from his own ship to carry the captured vessel to a British port, and that he could not suffer her to go into Boston, where she would have furnished important information to the Americans. These are circumstances which may have afforded very good reasons for destroying the vessel and may have made it a very meritorious act in Captain Capel so far as his own Government is concerned, but they furnish no reason why the American owner should be a sufferer. . . . I think, therefore, that he is entitled to receive the fullest compensation."

It should perhaps be stated that this was a case of an enemy vessel trading under a British licence, and thus for the purposes of her voyage not to be treated as an enemy but as though she were a neutral.

"Felicity," 2 Dodson, 386:

"When doubtful whether enemy property and impossible to bring in . . . the safe and proper course is to dismiss."

"When it is neutral the act of destruction cannot be justified to the neutral owner by the gravest importance of such an act to the public service of the captor's own State. To the neutral it can only be justified under any such circumstances by a full restitution in value."

I also quote some observations of Dr. Lushington in giving judgment in the case of the "Leucade" in 1855 (2 Spinks, 231):—

"It is the right of the neutral to be brought in to adjudication. . . .

No excuse for him (the captor) as to inconvenience or difficulty can be admitted between captors and claimants. . . . If the ship be destroyed for reasons of policy alone, as to maintain a blockade or otherwise, the claimant is entitled to costs and damages."

Is not the real conclusion that circumstances must occasionally arise in which it would be the clear duty of a naval officer to destroy a neutral prize—that this possibility is recognised by our Courts, but the neutral must not suffer, and it is for his Government to decide whether the officer should be indemnified at the public expense?

Thus the real outcome is that even our position is not that destruction is necessarily a breach of the laws of war, but that, when it is justified, the condition is attached that a neutral victim of the necessities of war shall not suffer.

As matters now stand, we, as neutrals so victimised, might suffer without redress at the hands of those States which do not follow our rule, while, when belligerent, we should have to compensate those who suffered at our hands.

Now what is the position created by Articles 48-54 of the Declaration?

Under these articles we have obtained a general recognition of the principle that neutral vessels should not be destroyed.

We are said to have made a concession of principle in admitting that, in some exceptional cases, destruction is permissible.

It is obvious that cases might in fact arise in which, whatever the rule, and whatever the consequences, it might be the clear duty of a naval commander to destroy a neutral vessel which he could not take into a prize port.

The provisions of the Declaration are directed to securing that, if on examination the conditions justifying destruction did not exist, neutrals should always be compensated, and that even when they may be found to have existed, if it be not found on further enquiry that the vessel was in fact liable to condemnation, neutral owners of ship and cargo shall be compensated, and that in any case neutral owners of innocent cargo shall be compensated. It really comes very much to our own rule in practice, if not in theory, and removes the disadvantages to which we are now subject. Thus, before destruction, the captor would know that if he acted without military necessity he would involve himself or his country in damages, and that he would run the same risk if he did not further satisfy himself that the ship was liable to condemnation.

To do this would involve an examination of the cargo to ascertain whether there was the proper proportion of contraband on board to lead to condemnation, an examination very difficult to make while at sea, and, under most conditions, impracticable in the case of a vessel carrying a large or mixed cargo.

The provision as to placing all the persons on board the neutral vessel in safety is a further practical check on destruction. The deck of a war-ship likely to be in action could hardly be held to be a place of safety, and the accommodation in any event in such vessels of the crew, and perhaps passengers, of a large vessel, including women and children, would be no easy task. Under the Declaration it is, therefore, to the interest of the captain to avoid destruction except in cases of overwhelming necessity, and, so far from the Declaration facilitating destruction, the nations which now claim the right will find it almost impossible, except on rare occasions, to resort to it, whilst those nations which in such cases now always compensate the injured neutrals will, as neutrals, be entitled to the same redress which as belligerents they at present afford without reciprocity.

CONVERSION ON THE HIGH SEAS OF MERCHANT-SHIPS INTO WAR-SHIPS.

It is much to be regretted that no agreement could be reached as to this question, either at the Hague Conference or at the London Naval Conference. The absence of agreement leaves open a question of great importance, and one which is of special interest to Great Britain, whether as a neutral or a belligerent.

Reference to the proceedings at the Hague and in London will show how strongly the representatives of Great Britain on both occasions pressed their views that the right of conversion claimed by some Powers was open to the gravest objection, and that in the interests of all nations it should be abandoned.

It was found impossible to obtain general assent to this view, or to the consideration of a suggestion that if the right were recognised it should only be exerciseable in relation to vessels whose names had been notified during peace as potential vessels of war.

It has been said that the effect of the Declaration of London is to legalise privateering.

The Declaration, so far from legalising anything, carefully abstains from doing so, and merely records the disagreement of the Powers represented at the Conference.

Further, although the exercise of the power claimed may produce consequences of a serious character having something in common with those which arose from privateering, the convention drawn up at the Hague Conference, which records the nearest approach to any international agreement on this subject, does make provisions which, after conversion, give the vessel the attributes and impose on her the obligations of a man-of-war.

The central difficulty is that there is no generally recognised rule of international law forbidding this practice, and the claim that it is an inherent right of

any sovereign Power to deal with its own ships in any manner recognised by its own municipal law cannot be controverted by reference to authority.

I have not found any case recorded in which Great Britain has commissioned a British merchant-ship on the high seas, but there are cases in which prizes have while at sea been sent forth for war by us, placed under the command of a commissioned officer of our navy, and have then hoisted the pendant.

It was therefore impossible to state in broad terms that conversion at sea was forbidden by the recognised law of nations, and in substance what had to be sought was the statement of a new rule forbidding or limiting the exercise of that power.

The Declaration does not alter the position, except that it may involve the possibility of the right being formally recognised in the International Court—with, on the other hand, the possibility that it might be rejected by that Court.

Personally I doubt whether our own Prize Courts would negative the right, and the only conclusion I can reach is that we neither gain nor lose by the Declaration, but are in the same position as before, except that as neutrals the force of diplomatic protest might be lessened by the right of appeal to the International Court.

It must, however, be borne in mind that a diplomatic protest unsupported by any recognised rule of law would not have much moral weight. It would be a claim to sustain by force a rule of our own making.

As belligerents, we should have to meet force by force and, if our municipal laws did not afford facilities for utilising converted merchantmen on a large scale, should have to create more cruiser squadrons to protect our trade routes, which is our present position. The question really is whether the fact that we have failed to improve matters in this respect is sufficient reason for abandoning the agreement reached on the other questions to which I have referred.

There is one way in which the exercise of this power might perhaps be hampered in existing conditions.

A belligerent would doubtless instruct its representatives in foreign neutral ports to report the presence there of any merchant-ship of the other belligerent suitable by construction and speed for a commerce-destroyer, and suspected to be destined for that service.

In that case, if there were evidence to indicate this purpose, the Power affected might call upon the neutral Power to which the port belonged to detain the suspected ship, and not permit the port to be used as a base of operations by the enemy.

No doubt the belligerent to whom the ship belonged would put pressure in the other direction on the neutral Power, but the course suggested might in some cases be effective, and it affords a possible check on the depredations of vessels sailing from a friendly neutral port as peaceful traders, intending to assume the character of war-ships immediately after leaving that port.

In the foregoing observations I have endeavoured to indicate the practical effects of the ratification of the Declaration of London with regard to certain matters to which criticism has been directed. In many quarters the Declaration seems to have been regarded as though it embodied a completely new code of maritime law, with the result that any provisions which did not appear to the critics to be of advantage to Great Britain were condemned as inadmissible as propositions of international law.

The Declaration is an attempt to apply fairly and equitably broad principles of international law more or less generally recognised, and to reconcile conflicting and divergent practices of different nations in the application of those principles, by mutual agreement. The test cannot be whether in all respects the provisions of the Declaration are those we should have desired had we been formulating a new law, but whether they constitute an advance in the right direction and an improvement on the existing rules, whether they be those hitherto adopted by our own Prize Courts or by the Prize Courts of other nations, subject always to the governing factor that they do not operate for practical purposes to the detriment of the interests of the trade of this country when neutral, or diminish its offensive or defensive power when belligerent.

For this purpose, what has to be done is not merely to consider what rules might be better generally, or from the British point of view, but, by comparison of the existing position with that which would be created by the Declaration, to consider whether its provisions are in the main an improvement on existing conditions, and in what respects we should gain or lose thereby—not losing sight of the fact that practical certainty would be substituted for uncertainty, and almost chaotic conditions reduced to order.

It is from this point of view that I have ventured to make the foregoing observations on some of the most important matters dealt with in the Declaration.

DESART.

December 14, 1910.

4521/S.

No. 384.

COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, 4 March, 1911.

WITH reference to the Report of the Standing Sub-Committee of the Committee of Imperial Defence regarding the treatment of neutral and enemy merchant ships in time of war, I am directed by Mr. Secretary Harcourt to request you to inform the Lords Commissioners of the Admiralty that his attention has been called to the question whether Colonial or Imperial funds are to be regarded as liable in the case of compensation becoming payable through the action of a self-governing Dominion in exercising the "droit de prince."

2. This question appears to Mr. Harcourt to raise again in a different form the same difficulty as that which was raised in the letter from this Office of the 14th of February, 1910,* with regard to the liability of Dominions Governments in cases of naval prize. Mr. Harcourt considers that it is of the greatest importance that His Majesty's Government should arrive at a definite conclusion as to their attitude in the matter before the question is discussed at the Imperial Conference with representatives of the self-governing Dominions, and I am accordingly to ask that you will move the Lords Commissioners to favour him with a statement of their opinion on the question at their earliest convenience.

I am, &c.,

C. P. LUCAS.

4909

No. 385.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 201.)

(New Zealand. No. 113.)

(Australia. No. 140.)

(Newfoundland. No. 70.)

(South Africa. No. 140.)

MY LORD,

Downing Street, 24 March, 1911.

SIR,

WITH reference to the sixth resolution† proposed by the Government of the Commonwealth of Australia for discussion at the Imperial Conference, I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of debates‡ which took place in the House of Lords on the 8th, 9th, and 13th of March on the subject of the Declaration of London.

I have, &c.,

L. HARCOURT.

* No. 280.

† Enclosure in No. 382.

‡ Parliamentary Debates, Vol. 7, Nos. 14, 15, 16.

21.

Enforcement of Commercial Arbitration Awards.

5721

No. 386.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 21 February, 1911.)

[Answered by No. 388.]

SIR,

Board of Trade, 21st February, 1911.

WITH reference to previous correspondence on the subject of the various questions affecting this Department which it is proposed to submit for the consideration of the forthcoming Imperial Conference, I am directed by the Board of Trade to request you to be so good as to state to Mr. Secretary Harcourt that the Board are very desirous that the accompanying draft resolution relating to the question of Commercial Arbitration Awards should be included in the subjects for consideration at the Conference.

I have, &c.,
WALTER J. HOWELL.

Enclosure in No. 386.

DRAFT RESOLUTION.

That the Imperial Government should consider, in concert with the Dominion Governments, whether, and to what extent and under what conditions, it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of Commercial Arbitration Awards given in another part.

5721

No. 387.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA AND SOUTH AFRICA, and THE GOVERNORS OF NEW ZEALAND and NEWFOUNDLAND.

(Sent 4.45 p.m., 22nd February, 1911.)

TELEGRAM.

My despatch 20th January,* Agenda, Imperial Conference. Board of Trade propose following resolution:—

Begins: That the Imperial Government should consider, in concert with the Dominion Governments, whether, and to what extent and under what conditions, it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of Commercial Arbitration Awards given in another part. *Ends.*

—HARCOURT.

5721

No. 388.

COLONIAL OFFICE to BOARD OF TRADE.

[See enclosure in No. 389.]

SIR,

Downing Street, 23 February, 1911.

IN reply to your letter of the 21st of February,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, copy of a telegram which has been addressed to the Governors-General and Governors of the self-

* No. 6 in [Cd. 5313], February, 1911.

† No. 386.

‡ No. 387.

governing Dominions on the subject of the Resolution as to the enforcement of arbitration awards which the Board of Trade propose to bring forward at the Imperial Conference.

2. Mr. Harcourt will be glad to receive, at the earliest convenience of the Board, a memorandum on this question to be communicated to the Dominions to serve as a basis for discussion at the Conference. No doubt this memorandum will summarise the information which has already been supplied to the Board with regard to this question by the Governments of the Dominions and the Australian States.

3. It will be remembered that as far as Australia and Canada are concerned the matter of enforcement of awards is mainly dependent upon the action of the States and Provincial Governments, which will not be represented directly at the Conference.

I am, &c.,
H. W. JUST.

7148

No. 389.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 149.)	(New Zealand. No. 80.)
(Australia. No. 107.)	(Newfoundland. No. 43.)
(South Africa. No. 109.)	

MY LORD,

Downing Street, 3 March, 1911.

SIR,

WITH reference to my telegram of the 22nd of February,* I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, copies of a memorandum prepared by the Board of Trade on the subject of the resolution as to the enforcement of commercial arbitration awards to be proposed by the Imperial Government at the Conference of 1911.

I have, &c.,
L. HARCOURT.

Enclosure in No. 389.

RESOLUTION AS TO ENFORCEMENT OF COMMERCIAL ARBITRATION AWARDS, TO BE PROPOSED BY HIS MAJESTY'S GOVERNMENT AT THE IMPERIAL CONFERENCE, 1911.

RESOLUTION.

"That the Imperial Government should consider, in concert with the Dominion Governments, whether, and to what extent, and under what conditions, it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of Commercial Arbitration awards given in another part."

The circumstances which have led to the proposal of this Resolution are as follows:—

During the last few years, representations have been received by His Majesty's Government from important commercial bodies—particularly the Association of Chambers of Commerce of the United Kingdom, the Chambers of Commerce of London and West Hartlepool, and the London and Hull Corn Trade Associations—with reference to the difficulty, and often impossibility, of securing the enforcement abroad of awards given in arbitrations on commercial matters in the United Kingdom between British and foreign traders, where such awards are in favour of the former.

The International Law Association have, at several of their congresses, discussed the larger matter of the mutual enforcement by civilized countries of foreign judgments generally, and the International Congress of Chambers of Commerce

* No. 387.

have also devoted attention to this subject. At the last meeting of the latter Congress held in London in June, 1910, the following resolution was passed:—

Enforcement of Judgments and Arbitration Awards pronounced in Foreign Countries.

1. *Judgments:—*

"The Congress is of opinion that the enforcement of judgments in foreign countries, without revision, would be facilitated by agreements between countries who have reciprocal confidence in their judicial institutions, and whose legislation rests upon similar bases.

"In consequence of the diversity of legislation, agreements between two or several countries would be more easily attained than a Universal Convention, or one concluded between a large number of States."

2. *Arbitration Awards:—*

"The Congress desires the Permanent Committee to institute an enquiry into the conditions under which arbitration awards are made in the different countries, and would be grateful if His Britannic Majesty's Government would take the initiative as to such enquiry."

As a result of the representations above referred to reports have been obtained, at the request of the Board of Trade, through the Colonial and Foreign Offices, from the Governments of the Dominions and His Majesty's Embassies and Legations in foreign countries, relating to the existing legislation and practice with regard to the enforcement in those Dominions and foreign countries of arbitration awards given in the United Kingdom. The despatch addressed by the Earl of Crewe to the Officers Administering the Dominion and State Governments, asking for a report on the subject, was dated the 22nd April, 1909, and with it was forwarded a copy of a letter from the Board of Trade, in which it was requested that the information supplied should take the form of replies to the two following questions:—

- (i) Is an agreement in writing to refer to arbitration in the United Kingdom disputes arising out of commercial contracts valid and enforceable?
- (ii) Can an award in an arbitration held in the United Kingdom be enforced and if so, by what means (a) where such an award is given in the United Kingdom, and (b) where, pursuant to the terms of the agreement of reference to arbitration, the award can be delivered in the place of domicile of each of the parties thereto?

With regard to the replies received from the Dominion and State Governments, examination has shown that considerable diversity of legislation and practice exists within the Empire in this matter, as will be seen from the substance of those replies given below. A statement is also given as a further annex relative to the practice in the United Kingdom in the matter.

Suggestions have been made that it would be desirable in the general interest of commercial morality to arrange for the enforcement, in each part of the Empire, of awards given in commercial arbitrations in other parts. It is, therefore, proposed to place before the Conference the resolution given above with a view to the matter being carefully examined, both in the United Kingdom and in the Dominions, in concert, in order, after due discussion, to ascertain whether an arrangement can be arrived at on the lines suggested in the resolution.

It is thought that the interests in all parts of the Empire concerned in the matter would be likely to welcome such an arrangement, which might conceivably become a step towards a wider application of the principle of uniformity.

Enforcement of British Arbitration Awards.

Substance of Replies from the Self-Governing Dominions.

QUESTION I.

Is an agreement in writing to refer to arbitration in the United Kingdom disputes arising out of commercial contracts valid and enforceable?

ANSWERS.

Canada:

ALBERTA.—The law is no different from the law in England. If such an agreement be enforceable there, it is enforceable in the Province. It,

however, seems difficult to understand how such an agreement, made between persons in different parts of the Empire, could be enforced in the absence of an Imperial Arbitration Act.

BRITISH COLUMBIA.—The Arbitration Act of the Province would, it is considered, apply to such an agreement. In the case referred to in the question the parties have, it is assumed, agreed to refer to arbitration in the United Kingdom disputes arising out of a commercial contract. In other words they have selected for themselves the form in which to deal with disputes arising out of the contract. The courts of the Province would doubtless hold that the parties had elected to have such disputes settled by arbitration in the United Kingdom, and would refuse to entertain the action.

MANITOBA.—The substance of the reply returned from this Province is included among the replies to Question II.

NEW BRUNSWICK.—It is considered that any proper agreement made in the United Kingdom, and an award under such agreement, would be enforceable in the Province as against a resident of the Province, but that a judgment would have to be obtained in New Brunswick upon the same, in order to enforce it.

NOVA SCOTIA.—Yes. The Arbitration Act of Nova Scotia is practically the same, *mutatis mutandis*, as the English Act of 1889.

ONTARIO.—Reference is made to the following Ontario Statutes and Rules. The Judicature Act (R.S.O., 1897, chapter 51), sections 25 *et seq.*: 9 Edw. 7, chapter 35, and Consolidated Rule No. 162. It is added that as a general rule any proper agreement made in the United Kingdom, and an award under such agreement, would be enforceable in the Province as against a resident of the Province, but to enable it to be enforced, a judgment would have to be obtained in the Ontario courts, upon which execution would issue.

PRINCE EDWARD ISLAND.—No.

QUEBEC.—Such an agreement, if valid under the law of the country where it is made, and if not contrary to a law of Quebec, based on public policy, is valid and enforceable in the Province to this extent, that if the agreement were broken, the wrong-doer could be sued in Quebec for damages on account of such breach, provided that he could be brought within the jurisdiction of the proper court in the Province. The court would have jurisdiction if the defendant were domiciled in the Province or were served therein or had property therein.

SASKATCHEWAN.—It is considered that such an agreement is valid and enforceable only to the same extent that it is enforceable by action in the United Kingdom.

YUKON TERRITORY.—In section 3 of chapter 32 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance respecting Arbitration," it is provided that "a submission, unless a contrary intention is expressed therein, shall be irrevocable except by leave of the court or a judge, and shall have the same effect in all respects as if it had been made an order of the court." It is considered that an agreement in writing to refer to arbitration any matter within the jurisdiction of the Courts of the Yukon Territory is valid and enforceable within the Territory.

Australia:

QUEENSLAND.—The Interdict Act of 1867 (Statutes, p. 994), contains provisions dealing with arbitration, and is based upon the Imperial Statutes 9 and 10 Will. III., c. 15; 3 and 4 Will. IV., c. 42; 9 and 10 Vict. c. 95; and 17 and 18 Vict. c. 125. There are no recent statutes relating to arbitration. The answers to both questions depend upon the ordinary principles of private international law.

NEW SOUTH WALES.—No cases can be recalled in New South Wales similar to those cited in the two questions, and it is thought that each should be answered in the negative. The New South Wales Arbitration Act of 1902 is, generally speaking, confined to arbitrations and awards in that State.

VICTORIA.—The question is understood to ask whether a State or Colonial court would specifically enforce an agreement to refer to arbitration, and, as

regards Victoria, it is thought that the answer should be in the negative, as the law and practice are founded on English law in this connection, and it is understood that a Court of Equity in England would not entertain actions for the specific performance of contracts to refer to arbitration (*vide* *Street v. Rigby*, 6 Ves. 815; *Gourley v. Duke of Somerset*, 19 Ves. 429; *Agar v. Macne*, 2 S. & S. 418).

SOUTH AUSTRALIA.—Such an agreement is valid. An action lies in a South Australian court upon breach of such an agreement. If a party to it took proceedings in a court of South Australia to enforce such agreement or his rights thereunder, the court there has power to stay his action upon the application of any other party to the proceedings. The agreement would moreover be enforceable in a South Australian court if it were in such a form as to render the obtaining of an award a condition precedent to the right to bring an action. In such case the defendant could set up the agreement as a good defence to his action.

WESTERN AUSTRALIA.—It is thought that such an agreement would be valid and enforceable in the State to the extent that the courts would stay any proceedings taken in contravention of the agreement.

TASMANIA.—There is no legislation in Tasmania by which such an agreement could be made valid and enforceable there.

New Zealand :

The law of arbitration in the Dominion is the same as in England. So far as the matter depends on statute, it is governed by the Arbitration Act, 1908 (Consolidated Statutes of New Zealand, Vol. I., p. 63), which is, with a few variations of little importance, identical with the English Arbitration Act, 1889. The answers to the two questions with respect to the effect in New Zealand of arbitrations in England, are therefore the same as if the questions related to the effect in England of arbitrations in New Zealand.

Referring specifically to the first question, it is considered that a written agreement to refer present or future disputes to arbitration in the United Kingdom is valid in New Zealand, and that if an action was instituted in the Dominion in breach of that agreement, the Supreme Court would stay the action on application made under section 5 of the Arbitration Act, 1908 (corresponding to section 4 of the Imperial Act). In the English case of *Law v. Garrett*, 8 Ch. D. 26, the action was stayed because it was in breach of an agreement to refer the dispute to a foreign court, and the same principle would apply to a submission in New Zealand to arbitration in England.

South Africa :

CAPE COLONY.—Arbitration proceedings in this Colony are governed by the Arbitration Act, 1898. A submission, *i.e.*, a written agreement to submit differences to arbitration is irrevocable except by leave of a judge or consent of the parties. It makes no difference whether an arbitrator is named in the submission or not, and the agreement may be enforced by a provision in the Statute, which entitles any party against whom legal proceedings are instituted in any court to apply to the court for a stay of such proceedings. This provision would apparently apply even if the parties have agreed to the appointment of an arbitrator in the United Kingdom.

NATAL.—In the absence of any statutory provision for the enforcement of any agreement to submit a matter to arbitration in the United Kingdom, or for giving effect to such awards, it is not considered that either of the questions can be answered by a direct affirmative.

Assuming that the party sued is subject to the jurisdiction of the Natal courts, it is probable that those courts would entertain an action for damages arising out of a refusal to give effect to such an agreement as is referred to.

TRANSVAAL.—The Transvaal courts would regard an agreement in writing to refer a dispute upon a commercial contract to arbitration as a condition precedent which must be fulfilled before judgment is given in the action brought in the Transvaal. If, therefore, a person brought an action in the

courts upon a commercial contract containing a clause for arbitration in the United Kingdom, the court, unless it were shown that the arbitration condition had been fulfilled, would grant an application to stay proceedings, upon proof that the condition had not been fulfilled. It is assumed that the action would be one in respect of which the Transvaal courts would otherwise have jurisdiction.

ORANGE FREE STATE.—There is no statute law dealing with the subject; the answers to the questions must, therefore, be governed by the Roman Dutch Common Law dealing with arbitration and foreign judgments.

An agreement in writing to refer to arbitration in the United Kingdom (or elsewhere) disputes arising out of a commercial contract enforceable in the courts of the Orange Free State, is itself believed to be enforceable, provided that the parties are competent to enter into such an agreement, and that the nature of the dispute is such that it may properly be settled by arbitration. The binding nature of such an agreement would not, it is thought, be affected by the place where the arbitration was held, provided that such place is the place agreed upon by the parties.

Newfoundland :

Yes.

QUESTION II.

Can an award in an arbitration held in the United Kingdom be enforced, and if so, by what means—

- (a) Where such an award is given in the United Kingdom; and
- (b) Where, pursuant to the terms of the agreement of reference to arbitration, the award can be delivered in the place of domicile of each of the parties thereto?

ANSWERS.

Canada :

ALBERTA.—In either of the cases mentioned such an award could be enforced by action in this Province in the same way as any other contract.

BRITISH COLUMBIA.—The British Columbia Arbitration Act provides that an award or a submission may, by leave of the court or a judge, be enforced in the same manner as a judgment or order to the same effect, but it is difficult to see how the British Columbia courts could enforce an award made by arbitrators in Great Britain, when it is considered that such courts would not undertake to enforce a judgment obtained in the courts of Great Britain. In the case of a judgment the parties would have to begin an action in the Province on the judgment obtained in Great Britain. The fact that the award could be delivered in the place of domicile of each of the parties would not, it is thought, make any difference, as the award would really be one made in an arbitration held in Great Britain.

MANITOBA.—The Court of King's Bench in Manitoba has jurisdiction to entertain any sort of action or claim against persons domiciled or ordinarily resident in Manitoba. If it is a question of the enforcement of an award made in the United Kingdom which a resident of the Province ought to enforce in Manitoba against a person resident in the United Kingdom, the Court of the King's Bench would be governed by Rule 201 of the King's Bench Act, chapter 40 of the revised statutes of Manitoba, 1902, according to which service out of the jurisdiction of a statement of claim or other document by which a matter or proceeding is commenced may be made whenever—

- (a) The action is founded on any breach or alleged breach within Manitoba of any contract, wherever made, which, according to the terms thereof, ought to be performed in Manitoba; or
- (b) Any injunction is sought as to anything to be done in Manitoba.

Under this provision of law it would not, it is considered, make any difference where the award was made or delivered, provided that there was a breach within Manitoba of any contract, wherever made, which,

according to the terms thereof, ought to be performed in the Province. There is no special legislation in the Province covering the points as to which the questions are asked.

NEW BRUNSWICK.—*Vide* the answer to Question I.

Any judgment in the United Kingdom for the payment of money can be sued on in the New Brunswick courts as a debt, and the usual remedies follow. The same proceedings would probably have to be taken to enforce the award referred to in the question, unless the Imperial Act providing for such arbitration and awards stated how they were to be enforced in New Brunswick.

NOVA SCOTIA.—An award, as such, in an arbitration held in the United Kingdom is not enforceable in Nova Scotia. If the award is embodied in a judgment of a court, it is then enforceable by action in Nova Scotia, based on such judgment. The Arbitration Act of Nova Scotia is practically the same, *mutatis mutandis*, as the English Act of 1889.

ONTARIO.—*Vide* the answer to Question I.

It is further stated that a judgment in the United Kingdom for the payment of money could be sued on in the Ontario courts as a debt, and the usual remedies followed.

PRINCE EDWARD ISLAND.—No.

QUEBEC.—An award in an arbitration held in the United Kingdom would be treated in the Province as an ordinary contract between the parties, and would be enforceable there by an action at law if, and to the same extent as, an ordinary contract of the same kind would be. The manner of the enforcement, whether by damages or specific performance, would depend upon circumstances.

SASKATCHEWAN.—It is considered that such an award as that referred to may, under any of the circumstances set forth in the question, be enforced in the Province either by action, or—if the agreement provides that the award shall be deemed to be an award made under the Arbitration Ordinance of the Province—as an award on a submission under the said Ordinance.

YUKON TERRITORY.—In section 13 of Chapter 32 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance respecting Arbitration," it is provided that "an award on a submission may, by leave of the court or a judge, be enforced in the same manner as a judgment or order to the same effect."

Australia:

QUEENSLAND.—*Vide* the answer to Question I.

NEW SOUTH WALES.—*Vide* the answer to Question I.

VICTORIA.—With reference to sub-question (a) as to enforcing the award, it is thought that, assuming the defendant to be within the jurisdiction, an award in arbitration held in the United Kingdom can be sued upon in Victoria, in the same way as an award could be sued upon in that State in the case of an award made there by an arbitration in the State.

With regard to the method of enforcing the award, where it is given in the United Kingdom, the remedy would probably be confined to suing upon the award in an ordinary action. An award is founded on a contract, and a contract is enforceable in State courts, provided that the party against whom it is desired to enforce it is within their jurisdiction.

Under the Victoria Supreme Court Act provision is made for an agreement or submission to arbitration by consent being made a rule of the Supreme Court, and it could be urged that resort might be had to this provision with a view to making a submission, which provides for an award in the United Kingdom, a rule of the State Supreme Court. This position would depend on the construction of the several sections of Part V., Division 4, of the Victoria Supreme Court Act, 1890 (No. 1,142), which deal with arbitration. Reference may be made in particular, to section 160 of that Act, which is founded on an Imperial Act, 17 & 18 Vict. cap. 125, section 17 (Common Law Procedure Act, 1854). This section provides that "every agreement or submission to arbitration by consent, whether by deed or

"instrument in writing, not under seal, may be made a rule of court on the application of any party thereto, unless such agreement or submission contain words purporting that the parties intend that it should not be made a rule of court." It is thought that this section is to be read as applicable only to an agreement or submission to arbitration by consent in Victoria.

The local legislature might have power to enact that the State Supreme Court should be available in respect of submissions made abroad, but (if the question is intended to apply to such submissions) Acts of a subordinate legislature are *prima facie* construed as concerned with matters occurring within its jurisdiction. Though in this case the section may possibly not be repugnant to any doctrine canvassed by the Privy Council in the case of *MacLeod v. The Attorney-General in New South Wales* (reported 1891, Ap. Cs. 455), the court, at first impression at least, would probably regard the section as limited to agreements or submissions by consent entered into in Victoria.

The section above referred to proceeds, however, to enact that every award made in pursuance of any such agreement may be proceeded on, set aside, and enforced in the same manner as an award made in pursuance of a submission containing an agreement that the same may be made a rule of the court could, at the date of the Act, be proceeded on, set aside, and enforced. The State Supreme Court could, under this procedure, have set aside an award on a Victorian submission, but it could hardly be maintained that an award made on an English submission, to which possibly the defendant in Victoria was only one of a large number, could have been intended to be capable of being set aside by a local court. It is thought that the procedure in question is limited to dealing with awards under a local reference.

Question (b) asks in effect whether there is a distinction between an award given in the United Kingdom under a reference which provided that it might be delivered in the place of domicile of each of the parties thereto, and one given in the United Kingdom without such provisions. The law in Victoria is not framed with respect to the award simply, the award standing alone could be sued on, as indicated in answer to Question II. (a), but the special provision of the legislature in connection with arbitration matters is concerned with the agreement or submission, and they are the foundation for the summary power. This being so, it is thought that an award given on a foreign submission could not be enforced in Victoria by resorting to the special provisions of the Supreme Court Act.

SOUTH AUSTRALIA.—An award in an arbitration held in the United Kingdom can be enforced in South Australia whether such award is given in the United Kingdom, or whether, pursuant to the terms of the agreement of reference to arbitration, the award can be delivered in the place of domicile of each of the parties thereto, in the following cases:—

- (1) It can be enforced in South Australian courts by action on the contract or implied contract—
 - (i) In any case where the writ of summons is personally served upon the defendant in South Australia. And in the following cases if the writ is not served personally upon the defendant in South Australia.
 - (ii) Where the parties have contracted that the South Australian courts shall have jurisdiction to entertain the action.
 - (iii) Where the subject matter of the action is land or other property situated in South Australia, or any act, deed, will, or thing affecting such land or property.
 - (iv) Whenever the contract sought to be enforced, or for the breach whereof damages or other relief are demanded in such action, was made or entered into within South Australia.
 - (v) Whenever there has been a breach within South Australia of the contract wherever made.
- (2) It can be enforced in South Australia in any case where it could by the law of the Commonwealth of Australia or of any of the States of such Commonwealth be enforced by the High Court of Australia or by the courts of any of the said States.

- (3) It can also be enforced against the property of a person liable under the award situate in South Australia if such person be adjudicated bankrupt in England.

There is also a provision in the (South Australian) Arbitration Act, 1891 (54 & 55 Vict., No. 510) that an award on a written agreement to submit present or future differences to arbitration may, by leave of the court or a judge thereof, be enforced in the same manner as a judgment or order to the same effect, but it is doubted whether this section permits an award given in the United Kingdom to be enforced within the State of South Australia in the same manner as a judgment of a South Australian court.

It is, of course, assumed that the agreement of reference and the award are valid according to the principles of private international law binding in South Australia, which principles are the same as those applied in the English courts.

WESTERN AUSTRALIA.—Under the Arbitration Act the award, if entered as a judgment, could be enforced as such in the courts of the State by proceedings on such judgment.

TASMANIA.—The method in which an award may be enforced where the submission is contained in a written agreement made in the United Kingdom is fully stated in the Halsbury Laws of England. The Tasmanian Arbitration Act, 1892, now in force, is based on the Imperial Arbitration Act, 1889 and the provision for enforcing an award is contained in section 14. It is as follows:—"An award on a submission may, by leave of the court or a judge, be enforced in the same manner as a judgment or order to the same effect." This provision seems to be only applicable to an award made in Tasmania, and there seems to be no statutory enactment for enforcing an award made in the United Kingdom.

New Zealand:

An award in the United Kingdom is enforceable in New Zealand (as in the United Kingdom itself) by way of an action at law—an action for debt, damages, or specific performance, according to the nature of the award. Section 13 of the Arbitration Act, 1908, provides that "an award on submission may, by leave of the court, be enforced in the same manner as a judgment or order to the same effect," i.e., by way of execution. It is considered, however, that the provision is probably limited to awards on arbitrations taking place in New Zealand, or expressly made subject to the law of that Dominion, and that it would not extend to awards made in England under English law. Nor is it thought that it would make any difference in this respect that the award was, by the terms of the reference, to be delivered in New Zealand, if the actual arbitration took place elsewhere. If this is so, an action in the Supreme Court of New Zealand would be the only method of enforcing in New Zealand an award made in England under English law.

South Africa:

CAPE COLONY.—Whether the award is given in the United Kingdom, or may, in terms of the submission be delivered in the place of domicile of each of the parties, it is thought that neither party would have difficulty in obtaining the same upon payment of the arbitrator's fees. Having obtained it, he would be enabled, if the other party or the subject-matter of the arbitration was within the jurisdiction of the courts of the Colony, to have the award made a rule of court in Cape Colony, and thereupon to enforce it in the same manner as a judgment of such courts.

NATAL.—*Vide* the answer to Question I. It is added that assuming that the party sued is subject to the jurisdiction of the Natal courts, it is probable that those courts would entertain an action to give effect to an award made under such an agreement as is referred to, so far as it may require to be carried out in the Colony. But the award could not be made a rule of court in the ordinary way upon mere application.

TRANSVAAL.—If the award given in the United Kingdom is to do or pay anything in the Transvaal, and that award were made a rule or order of court in the United Kingdom, the courts of the Colony would give effect to such an award to the same extent as they would give effect to a contract entered

into in the United Kingdom. If the award is to be delivered in the Transvaal, the submission and award are regarded as constituting a contract between the parties to the submission, and the award is enforceable as such.

ORANGE FREE STATE.—An award given in arbitration held in the United Kingdom in circumstances mentioned in the answer to Question I. would be enforceable in the Orange Free State by action in the same manner as if such award had been given and arbitration held in that Colony. It may also be made a rule of court and enforceable as such if the parties have specially agreed to that effect. In any case it may be pleaded as a bar of action between the parties relating to the matters submitted to arbitration.

Any award in arbitration given in the United Kingdom may, if judgment thereon has been there obtained after action brought, be enforceable in the Colony as a foreign judgment, in all cases where foreign judgments are so enforceable,—namely by "provisional sentence" (*namptissement*) by which procedure judgment may be obtained without oral evidence being required.

The same procedure would also, it is believed, apply in cases where application for leave to enforce an award has been granted under the Arbitration Act, 1889. Such an order would probably be likewise held by the courts of the Colony to be equivalent to a foreign judgment, though it is not known that any case has been decided in South African courts to that effect.

Newfoundland:

Yes, such an award can be enforced either by action on the award or by action on a judgment obtained on the award. Generally speaking, the English law on this subject applies to Newfoundland.

Statement as to the Practice in the United Kingdom in the matter.

QUESTION I.

Is an agreement in writing to refer to arbitration in a Self-Governing Dominion disputes arising out of commercial contracts valid and enforceable in the United Kingdom?

ANSWER.

Such an agreement would be valid, for if both parties to the agreement have made it clear that they intend to abide by arbitration to be held in a Self-Governing Dominion, the Courts in the United Kingdom would simply hold that their jurisdiction had been ousted, and leave the parties to arbitration in the Dominion. But whether, if the party resident in the United Kingdom declined to proceed with the arbitration, the other party could proceed in the Dominion in his absence, and to this extent enforce the agreement, would depend upon the law of the Dominion.

QUESTION II.

Can an award in an arbitration held in a Self-Governing Dominion be enforced in the United Kingdom, and if so, by what means—

- (a) Where such an award is given in the Dominion; and
- (b) Where, pursuant to the terms of the agreement of reference to arbitration, the award can be delivered in the place of domicile of each of the parties thereto?

ANSWER.

If the award were made a judgment of court in the Dominion, or if an order of court were obtained in the Dominion to enforce the award, thereby putting it on the level of a judgment, it is thought that under the decisions of *Henley v. Soper*, 8 B. and C., p. 16, and *Alivon v. Furnival*, 40, R.R., p. 561, the courts in the United Kingdom would entertain an action to enforce the award, and that, whether or not it fell under paragraph (a) or (b).

Board of Trade,

March, 1911.

22.

Coinage, Weights, and Measures.

36585

No. 390.

COLONIAL OFFICE to TREASURY.

[Answered by No. 394.]

SIR, Downing Street, 20 December, 1910.
I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Treasury, the accompanying extract from a telegram from the Governor of New Zealand giving the text of a resolution to be moved by his Government at the Imperial Conference of 1911.

2. I am to add that it has been stated in press telegrams that the Government of Australia also proposes to discuss coinage reform, and enquiry is being made as to this matter. It appears from the debates in the Commonwealth Parliament that that Government will certainly bring forward the question of the adoption of the decimal system, in respect of which Mr. Harcourt presumes that there is nothing to be added to the memorandum prepared by the Treasury and printed on pages 173 to 175 of Parliamentary Paper [Cd. 3524].

3. It is not, however, clear whether the Government of New Zealand intend to raise the question of decimal coinage or whether they merely desire to secure a share in the profits of coinage on the same principle as a share in those profits has been accorded to the Commonwealth of Australia. I am to refer on this question to the discussion on pages 546 and 547 of Parliamentary Paper [Cd. 3523].

4. I am to add that a further letter will be addressed to you when fuller information as to the Australian proposals has been obtained.

I am, &c.,
C. P. LUCAS.

Enclosure in No. 390.

"12.—*Uniformity of Laws*.—That it is in the best interests of the Empire that there should be uniformity throughout its centres in the law of currency and coinage."

39647

No. 391.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 393.]

SIR, Downing Street, 4 January, 1911.
I AM directed by Mr. Secretary Harcourt to transmit to you the accompanying extract from a telegram from the Governor-General of the Commonwealth of Australia giving the text of a resolution to be moved by his Government at the Imperial Conference of 1911 with regard to the units of weights and measures.

2. In this connection I am to refer to your letter of the 28th of March, 1907, which is printed on pages 176 and 177 of the Parliamentary Paper [Cd. 3524], and to say that Mr. Harcourt presumes that the Board are not able to alter the position which they then took up.

3. I am to add that with regard to the question of units of coinage Mr. Harcourt is in communication with the Treasury.

I am, &c.,
C. P. LUCAS.

Enclosure in No. 391.

"*Coinage and Measures*.—That with a view to facilitating trade and commerce throughout the Empire, the question of the advisableness of recommending a reform of the present units of weights, measures, and coins ought to engage the earnest attention of this Conference."

39647

No. 392.

COLONIAL OFFICE to TREASURY.

[Answered by No. 394.]

SIR, Downing Street, 4 January, 1911.
IN continuation of the letter from this Office of the 20th of December,* I am directed by Mr. Secretary Harcourt to transmit to you the accompanying extract from a telegram† from the Governor-General of the Commonwealth of Australia giving the text of the resolution to be moved by his Government at the Imperial Conference of 1911 with regard to the reform of weights, measures, and coinage.

2. Mr. Harcourt would be glad if you would be so good as to move their Lordships to favour him with an expression of their views on the subject of a reform of coinage units.

3. I am to add that Mr. Harcourt is in communication with the Board of Trade on the subject of weights and measures.

I am, &c.,
C. P. LUCAS.

2188

No. 393.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 23 January, 1911.)

SIR, Standards Department, Old Palace Yard,
Westminster, S.W., 21st January, 1911.
IN reply to your letter of the 4th January (39647/1910),‡ on the subject of a resolution to be moved by the Australian Government at the Imperial Conference of 1911 with regard to the units of weights and measures, I am directed by the Board of Trade to state, for the information of Mr. Secretary Harcourt, that, as at present advised and subject to any considerations which may be urged at the Conference, they see no reason to modify the views expressed in their letter of the 28th March, 1907.§

I have, &c.,
W. F. MARWOOD.

6157

No. 394.

TREASURY to COLONIAL OFFICE.

(Received 24 February, 1911.)

SIR, Treasury Chambers, 23rd February, 1911.
THE Lords Commissioners of His Majesty's Treasury have given careful consideration to Sir C. Lucas's letters of the 20th December last and 4th ultimo (36585/1910: 39647/1910),|| transmitting extracts from telegrams from the Governor

* No. 390.

† Enclosure in No. 391.

‡ No. 391.

§ Page 176 of [Cd. 3524], May, 1907.

|| Nos. 390 and 392.

of New Zealand and the Governor-General of Australia giving the text of resolutions to be moved on behalf of those Governments respectively at the Imperial Conference to be held this year.

My Lords understand the resolutions which are to be moved on behalf of both Governments to refer to the adoption of a decimal system for the purpose of fixing the units of currency, a subject on which my Lords have nothing to add to the memorandum printed on pages 173-5 of the Blue Book [Cd. 3524], containing a reprint of the papers laid before the Colonial Conference, 1907.

With regard to the question of participation in the "profits" of silver coinage, which Mr. Harcourt thinks may possibly be raised by the New Zealand Government, I am to point out that the matter was fully discussed at the last Conference, and must be regarded as having been settled by the adoption by the Commonwealth of Australia of the suggestion made in the memorandum printed on pages 170-2 of the same volume. There will be no difficulty in giving similar facilities for establishing a special subsidiary coinage in New Zealand, if the Dominion Government desire to take that course.

I am, &c.,
G. H. MURRAY.

6157

No. 395.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Treasury and Board of Trade, 2 March, 1911. L.F.]

(Canada. No. 135.)	(New Zealand. No. 70.)
(Australia. No. 95.)	(Newfoundland. No. 35.)
(South Africa. No. 103.)	

MY LORD,
SIR,

Downing Street, 1 March, 1911

WITH reference to my despatch No. [38] [25] [30] [17] [8] of the 20th January,* I have the honour to request [Your Excellency] [you] to inform your Ministers that I have been in communication with the Lords Commissioners of the Treasury and the Board of Trade with regard to the Resolutions to be moved by the Commonwealth of Australia and the Government of New Zealand at the Imperial Conference on the subject of the reform of the present units of weights, measures, and coinage.

2. The Lords Commissioners of the Treasury inform me that on the understanding that the Resolutions refer to the adoption of a decimal system for the purpose of fixing the units of currency they have nothing to add to the memorandum printed on pages 173-5 of the Parliamentary Paper [Cd. 3524], which is a reprint of the paper laid before the Colonial Conference of 1907. They add that with regard to the question of participation in the profits of silver coinage their views are set out in full on pages 170-172 of the same volume.

3. On the question of weights and measures the Board of Trade state that they have nothing to add to their letter of the 28th March, 1907, which is printed on pages 176 and 177 of the same Parliamentary Paper.

4. The papers referred to will no doubt conveniently serve for a basis of further discussion at the Conference.

I have, &c.,
L. HARCOURT.

* No. 6 in [Cd. 5513].

23.

Payment of Double Taxation (Transvaal Estate Duty Act, &c.).
32624

No. 396.

TRANSVAAL.

AN ACT TO AMEND THE LAW RELATING TO THE PAYMENT OF DUTY UPON THE ESTATES OF DECEASED PERSONS.

Act No. 28 of 1909.]

Assented to 7th July, 1909

2. In this Act and in any regulations made thereunder, unless inconsistent with the context—

Interpreta-
tion of terms.

"company" shall mean any company incorporated or registered under the law for the time being of this Colony relating to the incorporation or registration of companies, and shall include also a company which, though not so incorporated or registered, carries on business in this Colony;

"debenture" shall include debenture stock;

"duty" shall mean the duty payable under and in accordance with this Act;

"executor" shall mean a person to whom letters of administration have been granted by the Master, for or in respect of the estate of a deceased person, under the law for the time being relating to the administration of estates of deceased persons, and shall include a person acting or authorized to act under letters of administration granted in a foreign country but signed and sealed by the Master under the law aforesaid;

"liquidation account" shall mean the account rendered, under the law for the time being relating to the administration of estates of deceased persons, by an executor to the Master of the administration and distribution of the estate of which he is executor;

"Master" shall mean the Master of the Supreme Court or any person lawfully acting in that capacity;

"prescribed" shall mean prescribed by the Treasurer or by regulation made under this Act;

"share" shall mean a share in the share capital of a company, and shall include stock into which any portion of the share capital has been divided;

"Treasurer" shall mean the Colonial Treasurer or any person for the time being lawfully acting in that capacity.

CHAPTER I.

General Provisions as to Estate Duty.

3.—(1) Whenever any persons shall die on or after the first day of July 1909, within or outside this Colony, there shall be payable to the Treasurer upon the net value of that person's estate, duty in accordance with the scale set forth in the Schedule to this Act, save as is otherwise provided in Chapter II. of this Act.

Payment of
estate duty to
Treasurer by
executor of
net value of
estates of
deceased
persons.

(2) The duty shall be paid by the executor of that person, save as is otherwise provided in Section eight or in Chapter II. of this Act.

(3) Duty shall also be payable in respect of any property or interest in property which was held by any such person, at the time of his death, upon a condition that it would, when that death occurred, pass to some other person.

4. For the purposes of this Act the estate of a deceased person shall include—

What shall
be deemed
estate of a
deceased
person for the
purposes of
this Act.

(a) all property in this Colony of whatsoever description belonging to that person, whether movable or immovable, and any interest in such property, whether expectant or contingent, held by him at his death;

(b) any such property given by or passing from the deceased person as a *donatio mortis causa*;

(c) any such property passing under any disposition made by the deceased person and purporting to operate as a *donatio inter vivos*, unless the disposition was made at least one year before his death;

- (d) any such property passing under any disposition or by reason of any act of the deceased person which was intended to operate at or after his death, or has the effect of so operating;
- (e) any such property which, by any act or disposition of the deceased person, was so transferred, vested, or arranged that his ownership or beneficial interest therein or in any part thereof passed or accrued by survivorship upon his death;
- (f) any such property which has passed to any one within one year prior to the death of the deceased person for the purpose of dividing the same, after the death of the deceased person, amongst his heirs or any of them;
- (g) any limited interest in such property, whether or not such interest was or is to be determined by the death;

but the estate of a deceased person shall not, for the purposes of this Act, include the interest of the survivor of two spouses who were married in community of property.

* * * * *

CHAPTER II.

Special Provisions relating to Duty upon Shares and Debentures.

Obligation on companies to collect duty payable upon estates of deceased shareholders and debenture holders of company.

10.—(1) Shares and debentures in a company shall, for the purposes of this Act, be deemed to be property in this Colony, notwithstanding that the deceased holder of those shares or debentures was resident or domiciled outside the Colony at the date of his death.

(2) Every company shall, as soon as there shall come to its knowledge the death of any holder of its shares or debentures who died outside this Colony, transmit to the Treasurer a written statement showing the shares or debentures in that company held by the deceased at the date of his death, and the true value thereof, and that company shall within twelve months after the death of the deceased pay duty on those shares or debentures at the rate provided by this chapter.

(3) Whenever the company shall satisfy the Treasurer, by production of an affidavit or solemn declaration of the deceased's legal representative or otherwise, that the whole estate of the deceased (including the shares or debentures aforesaid) in this Colony did not at his death exceed in the aggregate ten thousand pounds sterling, the duty payable upon those shares or debentures shall be two per cent. of the value thereof. If, after payment of duty on such shares or debentures, the executor of any foreign estate shall lodge with the Treasurer satisfactory evidence that the net value of the estate in this Colony was of a less value than two thousand pounds, the Treasurer shall refund the duty upon the value of any shares or debentures which may have been so paid.

(4) Whenever a company cannot so satisfy the Treasurer, or if the value of the whole of the estate of the deceased in this Colony exceeds ten thousand pounds at the time of his death, duty shall be paid by the company, at the rate applicable to the value of the deceased's estate in this Colony, in accordance with the Schedule to this Act.

In order that the amount of duty may be assessed, the legal representative of the deceased may render to the Treasurer an account, verified by oath, of the whole of the deceased's estate in this Colony. If no such account be rendered, or an account with which the Treasurer is not satisfied be rendered, he shall assess the amount of duty payable and duty shall be paid on the amount assessed by him, subject to the rights given under Section sixteen. In such an account no debts or obligations of the deceased shall be deducted except those which are due from his estate in this Colony.

(5) Until payment is made by the company of the duty or satisfactory security has been lodged with the Treasurer for payment thereof, the company shall not permit the transfer in its registers, whether those registers be kept within or outside this Colony, of any shares or debentures registered in the name of a deceased person at the date of his death, except in the case of shares or debentures in respect of which the Treasurer has certified his satisfaction that, though still registered in the name of the deceased at that date, they had been *bona fide* sold or disposed of by him.

(6) Nothing in this section contained shall be deemed to impose any obligation on a company in respect of share warrants or debenture warrants issued to bearer.

11.—(1) If any company whose registered office is outside this Colony satisfies the Treasurer that the larger proportion of its business is transacted or carried on outside this Colony and produces satisfactory evidence to him as to the proportion of its business which is transacted or carried on in this Colony, the Treasurer may from time to time fix a percentage representing, for a period named by him, the proportion of the business carried on or transacted by that company in this Colony. During that period the total amount of duty payable on shares and debentures in that company shall be reduced *pro rata* to correspond with the proportion of the company's business which is carried on in this Colony.

(2) If the Treasurer is satisfied that an inappreciable proportion of the company's business, or only a branch thereof is, or merely matters incidental thereto are, carried on in this Colony, he may, by certificate under his hand, exempt the company for such time as he may think fit from the obligations of this chapter; but nothing in this sub-section contained shall be construed as exempting any other person liable for duty from the liability to pay the same or interest or penalties due in respect thereof.

12.—(1) Every company which has paid duty under this chapter shall have the right to recover the amount thereof from the estate which would otherwise have been liable for payment of the duty, and with interest at the rate of six per cent. per annum if the amount of duty paid by the company be not repaid within one month after its payment by the company.

(2) That amount and interest may be recovered—

- (a) by action in any competent court; or
- (b) by way of set off against any moneys due to the estate liable for the duty, whether as dividends or bonus upon shares, or interest upon debentures, or otherwise;

and every such company shall have a lien for the said amount and interest upon the shares or debentures in respect of which the duty was paid.

(3) Any receipt or certificate given by the Treasurer for duty paid by a company in respect of its shares or debentures shall be conclusive evidence in all courts and places of the payment by the company of the amount mentioned in that certificate or receipt.

(4) If any company make default in paying to the Treasurer any duty which, under this chapter, it is liable to pay, it shall be liable to pay interest on the amount unpaid at the rate of twelve per cent. per annum together with any costs which the Treasurer may have incurred in recovering that amount from any other person.

Special arrangements with foreign companies whose proportion of business transacted in this Colony is inappreciable in proportion to entire business.

Remedies of company against person who would otherwise have been liable for payment of duty.

29395

No. 397.

UNION-CASTLE MAIL STEAMSHIP COMPANY, LIMITED, to COLONIAL OFFICE.

(Received 3 September, 1909.)

(Extract.)

SIR, 3 and 4, Fenchurch Street, London, E.C., 2nd September, 1909.

We beg to call your attention to an Act of the Transvaal Parliament, No. 28, 1909, entitled "An Act to amend the Law relating to the Payment of Duty upon the Estates of Deceased Persons," assented to 7th July, 1909. This Act purports, by Clauses Nos. 10-14, to impose upon Companies which are not registered in the Transvaal succession duty upon the shares or debentures of those Companies where the predecessors entitled to these shares or debentures are not domiciled or resident in the Colony, together with the duty of making annual returns showing the names and addresses of persons who—according to its registers—have by reason of death ceased to be shareholders or debenture-holders. It further imposes upon Companies registered outside of the Colony the duty of ascertaining and declaring the value of the estate, in the Transvaal, of deceased shareholders.

We are advised that this Act is *ultra vires* in regard to steamship companies such as our own, and we shall be obliged if you will inform us of the view which is taken by the Colonial Office as to the validity of this Act in relation to steamship companies whose head office and whose capital are entirely outside the Colony.

We are, &c.,
(THE UNION-CASTLE MAIL STEAMSHIP COMPANY, LTD.)
DONALD CURRIE AND COMPANY,
Managers.

31512

No. 398.

MESSRS. FRASER AND CHALMERS, LIMITED, to COLONIAL OFFICE.
(Received 22 September, 1909.)

MY LORD, 3, London Wall Buildings, London, E.C., 21st September, 1909.

WE beg respectfully to call your Lordship's attention to an Act of the Transvaal Legislature amending the law relating to the payment of duty upon the estates of deceased persons, and which appears to have received the Royal Assent on the 7th July last. We cannot help feeling that this assent must have been given without the effect of the Act on English companies like ourselves having been fully appreciated by your Lordship or your advisers, or it would never have been allowed to pass in its present form.

We are an English company, incorporated here under the Companies Acts in 1890, and carrying on a large and extensive business as manufacturers of mining and other machinery, our sole works for this purpose being at Erith in Kent. A large amount of the machinery we so manufacture is supplied to South Africa for the purposes of the mines there, and particularly in the Transvaal. As facilitating the sale there of our English manufactures we have an office and place of business in Johannesburg, and in that sense carry on business there, but the establishment in that country is simply a branch of our general business carried on here and kept open for the purpose we have mentioned.

Consequent upon our thus carrying on business in the Colony, it is at present claimed that we are subject to the provisions of Sections 10 to 14 of the Transvaal Act we have mentioned, and, as such, we have been called upon under Section 13 to render to the Treasurer a return of the names and addresses of all our share and debenture holders, and notified that we must each year make the further return required by that section of the deaths of any such holders, and then in due course pay the estate duty in respect of such shares or debentures for which they are liable pursuant to sub-section (2) of Section 10 of the Act.

Section 12 of the Act purports to give us a remedy against our share or debenture holders for the moneys we so pay and a lien on such shares or debentures for same; but this provision, as we are advised, is absolutely ineffectual, for our share and debenture holders in this country are in no way subject to the laws of the Transvaal, and the Act of that Colony would be no protection whatever to us against steps taken here to enforce the right of holders to deal with and transfer their shares and debentures in this country, and meanwhile to receive all dividends and interest payable thereon.

The result then is that while compelled in the Colony to pay a claim for duty against other parties we should have no means of obtaining repayment, and so would ourselves have to lose the amount. The serious consequence of this, and its gross injustice, we feel sure will at once be appreciated by your Lordship on your attention being thus called to it, and what we have to ask is that such representations may be made to the authorities in the Transvaal thereon as will protect us against it.

At present we are claiming exemption from the provisions of the Act under Section 11, and particularly sub-section (2) thereof, on the ground that our establishment in the Colony is only a branch, as before pointed out, of our general business carried on here, but the Act seems to leave it quite in the discretion of the Treasurer as to how far he may think fit on this ground to exempt us, and so we cannot with certainty depend on his doing so, and at present it has been treated there that we are fully liable to the provisions of the Act, and in view of the serious consequences of this being upheld we deem it necessary to lose no time in drawing

your Lordship's attention to the point, in the hope that you will afford us such assistance in the matter as will prevent the gross injustice we have pointed out.

We have, &c.,
FRASER & CHALMERS, LIMITED,
WALTER McDERMOTT,
Managing Director.

31793

No. 399.

MESSRS. FLUX, THOMPSON, AND QUARRELL to COLONIAL OFFICE.
(Received 25 September, 1909.)
3, East India Avenue, London, E.C., 24th September, 1909.
Transvaal Death Duties Act.

DEAR SIR,

You are no doubt fully acquainted with the provisions of the Transvaal Death Duties Act passed in July last, and we should be glad if you could inform us whether the terms of such Act prevent any Order in Council being made under the provisions of Section 20 of the Finance Act, 1894, seeing that duty is leviable on assets in this country, and if not whether any such Order is likely to be made at an early date. As there are Orders applicable to Cape Colony and Natal, it seems reasonable that the other Colonies of the Union should be placed on the same footing. The Act will undoubtedly cause a good deal of trouble and friction, and an Order in Council providing for an allowance of duties might considerably facilitate matters. The Act presses very unfairly upon companies registered here, as the companies are responsible for duty on a scale varying with the amount of the deceased's assets in the Transvaal Colony, including his holding in companies which may happen to carry on business in that Colony, and this information being such as is only within the knowledge of the executor or administrator, involves each company enquiring into the whole estate of the deceased and obtaining information which the Inland Revenue has always very properly refused to allow anyone to ascertain, the details of the affidavit lodged on applying for probate or administration being regarded as strictly confidential. All companies, as well as their directors, are liable to penalties in default of complying with the requirements of the Transvaal law. The Act also makes the companies liable even whether the estate may be an insolvent one, as no duties can be deducted except those due from deceased's estate in the Transvaal.

We act for the Standard Bank of South Africa, Limited, and sundry other companies which do business in the Transvaal, and we have been requested to bring before the notice of the Colonial Office the difficulties that arise with a view of the Colonial Office making representations to the Transvaal Government in regard to the working of the Act.

It is fair to point out that by Clause 12 of the Act the Transvaal Government gives companies certain rights of recovery of duties paid, but, of course, such rights would not be recognised in any court outside the Transvaal. In the case of a deceased person domiciled in this country the provision may be of no value whatever.

We remain, &c.,
FLUX, THOMPSON, AND QUARRELL.

33893

No. 400.

THE SHEFFIELD CHAMBER OF COMMERCE to COLONIAL OFFICE.
(Received 15 October, 1909.)

Sheffield, 14th October, 1909.
Transvaal Estate Duty Act, 1909.

SIR,

I ENCLOSE a copy of a circular which has been sent to certain Sheffield firms by their agents in the Transvaal, which circular has been brought to the notice of my Chamber.

My Chamber regard the provisions of this new enactment of the Transvaal Legislature as being most extraordinary and most serious for British companies who carry on business in the Transvaal.

In England the executors of a deceased person are liable for estate duty on any shares which they may hold, whereas this Act places upon the limited companies themselves an obligation to investigate the value of the estates of all their shareholders who die, and to account to an official in the Transvaal called "the Treasurer" for a Transvaal estate duty on any shares or debentures held by dead shareholders.

You will also notice that by Clause 10 (5) it is actually enacted that a British company is not to permit the transfer on its register of any shares or debentures unless and until the requirements of the Treasurer of the Transvaal have been met.

You will also notice certain provisions in Clause 13 which would entail a great deal of labour upon the secretaries of British companies.

It is true that Clause 11 provides certain exemptions, but the meaning of these exemptions are anything but clear, and appear to rest almost entirely with the Treasurer, who, apparently, has almost absolute power.

For instance, in Clause 11 (2) the words "or only a branch thereof" are used, but there is no definition in order to indicate what "branch" means.

Apart from the vexatious requirements of this Act, there is another point to be considered, namely, that if shareholders in British companies which carry on business in some way or other in the Transvaal have to pay not only an English estate duty but also a Transvaal estate duty it is absolutely certain that this liability to double duty must militate against the value of the shares.

My Chamber presume that this Act before it became law would require the consent of His Majesty's Commissioner in South Africa, and they are astonished that this consent should have been given to this measure in its present shape, and, so far as they are aware, no opportunity was given to the commercial community of protesting or objecting.

My Chamber trust that His Majesty's Government will be able to obtain some modification of the very objectionable provisions of this Act, and venture to suggest that the opinion of the Law Officers of the Crown should be taken thereon, because, at the present moment, the manufacturers of Sheffield are not at all clear as to what some of the provisions mean, but whatever they do mean there is not a shadow of doubt that it is immensely prejudicial to British interests.

My Chamber have no complete copy of the Act and would be extremely obliged if you could let me have a copy.

I am, &c.,
R. T. WILSON,
Secretary.

Enclosure in No. 400.

JOHANNESBURG CHAMBER OF TRADE.

E.D.
Revenue Form 1

Reg. No. E.D. No.
E.R.
In any future correspondence please
address:—
The Chief Inspector of Revenues
and quote above number.

Circular Notice to Companies.

Internal Revenue Department,
Pretoria,

To the
Chairman, Managing Director, or Secretary,
of the Company, Limited.

July, 1909.

Estate Duty Act, 1909.

SIR,

I HAVE the honour to call your attention to the provisions of this law in so far as they apply to companies. An extract* of the provisions in question is given overleaf for your information. The law came into force as from the 1st of July.

* Sections 2, 10 to 14 inclusive.

It is desired in particular to bring to your notice the provisions of sections ten, eleven, twelve, and thirteen, and I would further point out that the first return required by section thirteen is due on or before the 30th September next.

Any company desiring to take advantage of section eleven is requested to give me early notice of its intention, and to furnish me before the 30th September with any evidence it desires to put forward—

- (a) for a proportionate reduction of the share value on which duty is payable (see section eleven (1); or,
- (b) in claim of exemption from the provisions of this Act (see section eleven (2)).

Any such evidence admitted must be verified on oath.

It should be noticed that section eleven is not applicable to any company which is registered in the Transvaal.

In the event of a company being unable through any reasons outside its control to deliver before the 30th September the return due under section thirteen (1), application should be made for an extension of time, as otherwise the daily penalty laid down by section fourteen will be incurred. No such application can be granted except for good and sufficient reasons, and the reasons must be fully stated in the application.

I have, &c.,
J. C. SHERIDAN,
Chief Inspector of Revenues.

40795

No. 401.

TRANSVAAL.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Answered by No. 402.]

(No. 397.)

My Lord,

Downing Street, 31 December, 1909.

WITH reference to Lord Methuen's despatch, No. 298, of 18th September,* I have the honour to inform you that His Majesty will not be advised to exercise his power of disallowance with respect to Act, No. 28, of 1909, of the Legislature of the Transvaal entitled shortly "The Estate Duty Act, 1909."

2. I have, however, to transmit to you copies of letters† from various companies registered in this country from which your Ministers will see that certain of the provisions of the Act are regarded by the writers as likely to inflict a great deal of inconvenience and expense upon them, and I should be glad if your Ministers would take these representations into their consideration.

I have, &c.,
CREWE.

6659

No. 402.

TRANSVAAL.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 5 March, 1910.)

[Copy of enclosure to Board of Trade, 23 March, 1910. L.F.]

[Answered by No. 406.]

(No. 25.)

My Lord,

Governor's Office, Johannesburg, 14th February, 1910.

WITH reference to your despatch of 31st December, No. 397,‡ I have the honour to enclose, for your information, a copy of a Minute from Ministers on the subject of estate duty levied under Act No. 28 of 1909.

I have, &c.,
SELBORNE,
Governor.

* Not printed: it transmitted No. 396.

† Nos. 397-400.

‡ No. 401.

Enclosure in No. 402.

(Minute, No. 48.)

Prime Minister's Office, Pretoria, 11 February, 1910.

With reference to His Excellency the Governor's Minute, No. 53/59, of the 20th ultimo, enclosing despatch Transvaal, No. 397, of the 31st December, from the Right Honourable the Secretary of State for the Colonies, Ministers have the honour to forward, for Lord Crewe's information, a memorandum drawn up by the Chief Inspector of Revenue regarding the incidence of the estate duty levied under Act No. 28 of 1909.

J. C. SMUTS.

TRANSVAAL ESTATE DUTY ACT, 1909.

EXPLANATORY MEMORANDUM IN REPLY TO DESPATCH NO. 397 OF 31ST DECEMBER, 1909, FROM THE SECRETARY OF STATE FOR THE COLONIES.

(1.) The taxation imposed by this Act in respect of the estates of deceased persons, applies only to property or assets of the estate situated in the Transvaal (*vide* Section 4 (a) of the Act). The property or assets within the Transvaal are taxed whether the deceased owner died within or outside the Transvaal (*vide* Section 3 (1) of the Act), and irrespective of the domicile of the deceased; but no property of the deceased, whether movable or immovable, situated outside the Transvaal is within the scope of the Act.

(2.) In framing the Act it had to be borne in mind that the chief mineral resources and a considerable proportion of the whole landed property in the Transvaal are owned or exploited by joint stock companies; the shares and debentures of those companies have accordingly been declared (*vide* Section 10 (1) of the Act) to be property situated in the Transvaal. This provision was necessary as the alternative of letting the Colony's best assets and resources escape the intended taxation. It had likewise to be recognised that the great majority of members or shareholders of those companies resided in Europe and elsewhere outside the Transvaal jurisdiction, and for that reason the companies are made liable under the Act (*vide* Section 10 (2) to (6)) to collect and account for the estate duty on shares held by deceased persons who died outside the Transvaal, just in the same way that companies in England are made liable to collect and account for income tax leviable on dividends distributable to their shareholders.

(3.) It would never do to permit companies and shareholders possessing such vast interests in this Colony to evade the intended taxation by the expedient of merely registering the Company outside the Transvaal. There are numerous companies whose entire possessions and sources of profit are held in the Transvaal which have chosen to register themselves in London, Natal, Rhodesia, and elsewhere. To permit such companies, simply by reason of having registered themselves outside, to escape their obligations to the Transvaal would have been to allow a mere technical consideration to override the strongest considerations of right and equity. A company is at liberty to register in any country, just as an individual may happen to be born in any country, but, in the same way that accident of birth elsewhere is no reason for exempting an individual from the duties and obligations of citizenship in the country where he chooses to live—the more so when he derives all his prosperity from the country he lives in—neither is the choice of registration a good reason for enabling a company to evade its responsibilities in the country where it holds its property and reaps its profits.

(4.) In dealing with companies, the Act therefore makes the situation of the company's assets and business the governing factor as to a company's liability under the Act (*vide* Section 11 read with Section 10 (1) and Section 2, definition of "Company"); but it enables companies registered outside the Transvaal and engaged in this Colony in carrying on only a portion or branch of business to claim (a) entire exemption from the operation of the Act, or (b) reduction of the taxation to the ratio corresponding with the proportion between the Transvaal business and the entire business of the Company. The method of making this claim is of the simplest character, and the principle on which it is founded seems to be eminently just and fair. Take, for instance, the case of one of the companies who have made representation to the Secretary of State for the Colonies, namely, Messrs. Fraser and Chalmers, Limited. It has been ascertained that this Company does more of its business in the Transvaal than it does in any other country with which it is

connected, and under Section 11 of the Act a proportion of one-fourth has been fixed as the rate according to which its members and shareholders will pay Transvaal estate duty. The company has large depôts, a central management, and a considerable stock-in-trade in this Colony, but its works and its chief place of business are situated in England. If, therefore, the Imperial revenue authorities would follow the principle of the Transvaal Act and tax the Company only on the remaining three-fourths, there would be no room for complaint as to double taxation. As things are, any cause for complaint of double taxation lies against the British system and not against the Transvaal system.

(5.) With reference to the suggestion made by Messrs. Flux and Quarrel in their letter to the Secretary of State for the application of Section 20 of the Imperial Finance Act, 1894, I should think that, having regard to the effect of the Transvaal law, as above stated, in taxing only property and assets situated within the Transvaal, the British Inland Revenue authorities would have no difficulty in giving the benefit of that section to estates proved in England, which include shares of Transvaal companies on which Transvaal estate duty was paid or is payable.

(6.) For the convenience of executors and others in the United Kingdom who have to pay Transvaal estate duty, and who wish on their own account to prove the Transvaal estate and pay the Transvaal duty in preference to its being done in strict conformity with the Act through the companies in which shares are held, arrangements have been made to enable such persons to do all that is required by communication with the Transvaal Agent-General's Office in London. The annexed memorandum fully describes the arrangements in question.

(7.) Referring to the communication of the Sheffield Chamber of Commerce to the Secretary of State, it is understood that every company in which the Sheffield Chamber is interested which does business in the Transvaal carries on a branch only, and is in a position to claim the benefit of exemption from the Act. Many of them have already claimed and obtained a certificate of exemption, and it is suggested that the Chamber should advise any of its members who are doing business in the Transvaal to avail themselves of the benefit of Section 11 of the Act.

J. C. SHERIDAN,

Chief Inspector of Revenues

Internal Revenue Department,
Government Buildings,
Pretoria.

2nd February, 1910.

Transvaal.

Revenue Form E.D. 1

ESTATE DUTY ACT, 1909.

PROVISIONS RELATING TO COMPANIES.

EXPLANATORY MEMORANDUM OF DUTIES AND OBLIGATIONS DEVOLVING ON COMPANIES
UNDER THE ABOVE-MENTIONED ACT.

PART I.

Companies' Returns and Payment of Duty.

1. Companies carrying on business or registered or incorporated in the Transvaal (unless exempted under Section 11 of the Act) are required by Section 10 of the Act to render as soon as the death of any holder of its shares or debentures, who died outside the Transvaal, comes to the Company's knowledge, a statement of the holdings of the deceased and of the market value at the date of death, and to pay duty on the value of the shareholding within twelve months of the date of death.

2. It has been agreed to accept from mining, banking, and other companies, who have a large number of foreign shareholders, the statement mentioned in paragraph 1 for half-yearly periods ending the 30th April and 31st October, to be rendered within one month from the dates mentioned. These dates are fixed so that the duty may be receivable within the proper financial year.

3. Forms for the statement* to be rendered by Companies have been prescribed as follows:—

(1) Revenue Form E.D. 10, for Estates under Section 10 (3) of the Act, namely:

- (a) proven under £2,000 (and exempt);
- (b) proven not to exceed £10,000, liable to the 2 per cent. rate of duty.

(2) Revenue Form E.D. 11, for Estates under Section 10 (4) of the Act, namely:

- (a) unproven value;
- (b) estimated to exceed £10,000;
- (c) involving special circumstances—being cases where the rate of duty needs to be assessed.

4. Quoted shares or debentures should be valued at middle closing price on the date of death; unquoted shares should be taken at their true and fair market value as estimated on the best information obtainable.

5. With respect to estates exceeding £2,000, but not exceeding £10,000 (which will be dealt with on Form E.D. 10), a remittance for the duty should be forwarded with the statement. In other cases (which will be dealt with on E.D. 11) the duty payable will in due course be notified as soon as assessed, and will then become payable. Section 12 of the Act secures to Companies full right of recovery against the holdings of the deceased, and, otherwise, of any duty paid on behalf of the deceased.

6. The relief from duty granted by Section 10 (2) to estates not exceeding £2,000 value may be claimed and allowed by way of exemption from payment if the value of the estate is satisfactorily proven, notwithstanding the wording of Section 10 (2) of the Act.

7. The annual return due from Companies under Section 13 (2) of persons who have ceased to be holders by reason of death should be made up,

- (a) by banking, mining, and other companies mentioned in paragraph 2, to the 30th April; and
- (b) by other Companies, to the 30th June, in each year.

PART II.

Abatement or Exemption allowable to certain companies.

8. It is provided in Section 11 that any companies registered outside the Transvaal which carry on only the lesser proportion of their business in the Transvaal may, on production of satisfactory evidence thereof, be held liable for Estate Duty only on the proportionate value of their shares or debentures, and companies registered outside the Transvaal which carry on merely a branch or incidental proportion of their business in the Transvaal may in like manner obtain exemption.

9. Any statements intended to be rendered by companies in claim of abatement or exemption (as explained in the preceding paragraph) should be framed to set out as clearly as possible their property and other assets and their general business in the Transvaal as compared with their property, assets, and business elsewhere. These statements will be dealt with as soon as received, and certificates of abatement or exemption will be furnished where the evidence is satisfactory. A form (numbered E.D. 15) has been prepared for the guidance of companies making such claims.

PART III.

Shareholdings held non-beneficially.

10. Whenever it is desired to put forward a claim under the last clause of Sub-section (5) of Section 10 for a Certificate of Exemption in respect of shares standing registered in the name of a deceased person, but which are alleged to have been sold or disposed of prior to the date of death, or in which it is alleged that the deceased, at the time of his death, held no beneficial interest, a claim or statement to that effect by the executor, supported by a corresponding declaration by the actual or beneficial owner of the shares, or by an authenticated copy of the deed or instrument of sale or trust, will be accepted as the form of claim. In the beneficial owner's declaration the distinctive numbers of the shares claimed to belong

* Copies enclosed (not printed).

to him should be given for purposes of identification. The declaration of the beneficiary is required in view of the provisions of Section 4 (e) of the Act.

PART IV.

Alternative Methods for accounting for the Estate and Paying Duty.

11. Companies are at liberty to make known to executors who may desire to account for and pay duty on the entire Transvaal estate of the deceased in one transaction, instead of through different companies, that any such executors may enter into communication with the Internal Revenue Department, Pretoria, with the view of paying duty in the manner desired.

12. In like manner, executors in Europe may account and pay in one sum at the Agent-General's Office in London.

13. An explanation of the procedure for accounting and paying duty direct in the manner described in the two preceding paragraphs is given in the Appendix on page 4 of this memorandum. The following forms may be recommended for use of executors:—

TRANSVAAL REVENUE FORMS.—E.D. 12, Inventory of Estate, if consisting of shares only.

E.D. 12a, Inventory of Estate, French version.

E.D. 12b, Inventory of Estate, German version.

E.D. 12c, Inventory of Estate, consisting of shares and other assets.

14. When duty is paid direct, either to the Internal Revenue Department, Pretoria, or through the Agent-General in London, a communication will be at once sent to any companies in which shares or debentures are held (1) notifying the companies that duty has been paid, (2) releasing them from their obligations respecting collection of duty, and (3) authorizing them to give transfer at the instance of the executor without further delay or conditions as to payment of duty.

15. In companies' statements of deceased shareholders due under Section 10 (2) of the Act, it will then in such cases be sufficient to return the name of the deceased shareholder, and inclose or refer to the releasing communication mentioned in the preceding paragraph.

PART V.

Estates not exceeding £2,000—Evidence of Exemption.

16. The evidence of exemption from duty (i.e., proof that the entire estate in the Transvaal does not exceed £2,000) mentioned in sub-paragraphs (i) (ii) (iii) of paragraph 4 of the Appendix to this memorandum may also be admitted by companies, where it facilitates the proof or serves the convenience of executors; but if in any case the original document, mentioned as admissible in proof of exemption, cannot be given up, a copy thereof may be admitted, provided it be authenticated as follows:—

"Certified to be a true copy of the original document produced to me this day.

Signed

Transfer Secretary to

Date

Company.

PART VI.

Supply of Prescribed Forms.

17. The prescribed forms mentioned in the foregoing paragraphs numbered 3 and 13 may be printed and stocked by companies for their own use or may be obtained by them as required on application from this Office.

PART VII.

18. A weekly attendance is given by or on behalf of the Chief Inspector of Revenues at the High Commissioner's Office, Railway Buildings, Johannesburg, on Thursdays, from 10.30 to 3.30 (in connexion with the Profits Tax, Mines, &c.), and any company desiring further information is requested to avail of the visits mentioned.

Internal Revenue Department,
Pretoria, 3rd January, 1910.

APPENDIX

ASSESSMENT AND COLLECTION OF DUTY BY THE INTERNAL REVENUE DEPARTMENT, PRETORIA, OR THROUGH THE AGENT-GENERAL'S OFFICE IN LONDON.

For the greater convenience of executors and others in accounting for and paying duty under the above-mentioned Act, in respect of the Transvaal estates of deceased persons, the following procedure is authorized.

PART I.

Public Procedure.

1. The executor or administrator of any such estate which includes shares in two or more companies, or assets in the Transvaal other than shares, may deliver to the Internal Revenue Department, Pretoria, or, if resident in Europe, may deliver at the Agent-General's Office in London, a sworn account (on Transvaal Revenue Form E.D. 12c) of the whole estate in the Transvaal, and pay duty thereon as provided in the next paragraph.

2. The Internal Revenue Department will, in direct communication with the executor, assess the duty and receive payment; or the Agent-General in London on being satisfied that the estate account is made out in general compliance with the requirements of the Act, will accept the account, together with payment or deposit of the duty assessed or estimated by him to be payable.

3. A communication will thereupon be sent to the Chief or London Transfer Office (as may be) of any companies concerned,

(a) stating that the Transvaal estate and the duty thereon (inclusive of the company's shares specified in the notification) has been accounted for;

(b) releasing the companies from the obligations imposed on them by the Act to collect and pay duty in respect of the shares in question; and

(c) authorizing the companies to give transfer of the said shares at the instance of executor or administrator without further delay or conditions as to payment of Transvaal estate duty.

4. The foregoing procedure is likewise applicable to cases where the Transvaal estate does not exceed £2,000 (two thousand pounds) and exemption from payment of the Transvaal estate duty is consequently claimed. It is desired in respect of exemptions to make the procedure of proof as simple and the labour on both sides as little as possible. As regards the estates of deceased persons who are domiciled in the United Kingdom, the British Estate Duty Law requires all personal or movable property (this includes stock, shares, debentures, &c.) wheresoever situated, to be accounted for; the account rendered under the British Estate Duty Law will therefore include all shares, &c., held in Transvaal companies. In any such case where it is not convenient or where it may be expensive to prepare a further and separate account of the Transvaal estate, the following evidence may be received and admitted in claim of exemption from the Transvaal duty:—

(i) The certificate of an Inland Revenue Officer of the United Kingdom testifying that the whole of the estate of the deceased was estimated not to exceed £100 (one hundred pounds) and that consequently no duty was payable and no estate account required; or

(ii) The certificated copy (certified by the Inland Revenue Office) of the final account delivered for payment of British estate duty, if such account shows that the gross estate of the deceased did not exceed £2,000 (two thousand pounds); or

(iii) The certificated copy (certified by the Probate Registrar) of the grant of probate of administration in the United Kingdom if it is therein attested that the gross estate of the deceased did not exceed £2,000 (two thousand pounds).

The foregoing does not apply to estates of Continental shareholders because they are required to account in England only for real or immovable property situated in the United Kingdom, but not for personal or movable property.

5. In any case of a shareholding estate where the executor or administrator does not make use of this alternative method of procedure, the duty will be payable through companies, as laid down in Section 10 of the Estate Duty Act.

13300

No. 403.

ASSOCIATION OF CHAMBERS OF COMMERCE OF THE UNITED KINGDOM to COLONIAL OFFICE.

(Received 1 May, 1910.)

[Copy to Board of Trade, 18 May, and to Treasury, 28 May, 1910. L.F.]

[Answered by No. 404.]

TRANSVAAL ESTATE DUTY ACT, 1909.

To the Right Hon. the EARL OF CREWE, K.G.,

Secretary of State for the Colonies.

The Memorial of the Association of Chambers of Commerce of the United Kingdom, of which the following Chambers of Commerce are members:—

Aberdeen	Kendal
Arbroath	Kidderminster
Aldershot	Lancaster
Australasian	Leeds
Barnsley	Limerick
Barrow-in-Furness	Lincoln
Bath	Liverpool
Batley	Llanelli
Belfast	London
Birmingham	Luton
Birstal	Manchester
Blackburn	Middlesbrough
Bolton	Morley
Bradford	Newcastle
Bristol	Newport
Burnley	Nice
Bury	Norwich
Cardiff	Nottingham
Cheltenham	Oldham
Chesterfield	Ossett
Cleckheaton	Paris
Cork	Penzance
Coventry	Plymouth
Croydon	Portsmouth
Derby	Reading
Dewsbury	Rotherham
Dover	Salt
Dublin	Sheffield
Dudley	Southampton
Dundee	South of Scotland
Edinburgh	Stockton
Exeter	Stroud
Falmouth	Sunderland
Gloucester	Swansea
Goole	Swedish Chamber
Grimsby	Taunton
Greenock	Torquay
Halifax	Trowbridge
Hartlepool	Uxbridge
Heckmondwike	Wakefield
High Wycombe	Walsall
Huddersfield	Warrington
Hull	West Ham
Inverness	Wolverhampton
Ipswich	Woolwich
Italy	Worcester
Jersey	Yeadon
Keighley	York.

Sheweth,

1. That the following resolution was passed at the Annual Meeting of the Association held in London on 16th March, 1910:—

"That the provisions of the Transvaal Estate Duty Act, 1909, which require British limited companies who also carry on business in the Transvaal—

- (a) To collect and pay to the Transvaal Government duty upon the estates of deceased shareholders and debenture holders:
- (b) Not to permit the transfer of shares or debentures of deceased shareholders until such duty has been paid or satisfactory security given for its payment:
- (c) To furnish to the Transvaal Government a complete return of shareholders and debenture holders as existing on 30th June, 1909, and also to furnish particulars annually of the deaths of any shareholders or debenture holders:

are deemed inequitable; and that representations be made to His Majesty's Government with a view of obtaining some redress."

2. That the above Act, which was assented to by His Majesty's Government on 7th July, 1909, amongst other things renders every company which is incorporated under the Transvaal Law, and also any company which is not so incorporated, but carries on business in the Transvaal, liable for payment of estate duty to the Transvaal authorities on any shares or debentures belonging to any of its shareholders who have died, and further, provides that a company, as above defined, is not to permit the transfer of any of such shares or debentures until the Transvaal estate duty has been paid, or satisfactory security given for its payment: and provisions are also contained in the Act as to returns being made to the Transvaal authorities with reference to any deaths of any shareholders or debenture holders.

3. Under the English law, when shareholders or debenture holders die, the obligation for accounting for estate duty rests on their personal representatives and not on the Company, but under the above Act the Company are liable for the estate duty, and it does not matter where the shareholders or debenture holders were resident or domiciled, and their estates are just as much liable for this duty if they lived in England as if they lived in the Transvaal, or any other part of South Africa.

4. A very large number of English companies carry on business in South Africa; and not only are such companies charged with income tax upon the whole of their profits by the English authorities, but have also to pay income tax in the Transvaal; and British capital is subjected to heavy imposts for the purpose of providing for the maritime defence of South Africa and other Colonies.

5. The incidence of the estate duty in the above Act is bound to have a prejudicial effect upon the shares in British companies who carry on business in the Transvaal, while the embargo which is placed upon the transfer of the shares of British companies introduces a new principle, and seems to be a strange interference with the domestic arrangements of British companies, and the creation of a lien by statute on the shares of these companies will, no doubt, create difficulties with the British Stock Exchange, who decline to make official quotations where the shares of a company are subject to a lien.

6. The commercial community in Great Britain were not, so far as is known, in any way consulted with regard to this Act, or given any opportunity of making any representations thereon before it was sanctioned.

Your Memorialists respectfully urge that His Majesty's Government should take the necessary steps to give effect to the above resolution.

Given under the Common Seal of this Association the 30th day of April, 1910.

(L.S.) BRASSEY,
President.

(L.S.) EDWARD W. FITHIAN,
Secretary.

Parliament Mansions,
Victoria Street, Westminster, S.W.

18300

No. 404.

COLONIAL OFFICE to ASSOCIATION OF CHAMBERS OF COMMERCE
OF THE UNITED KINGDOM.

[Copy to Board of Trade, 18 May, and to Treasury, 28 May, 1910. L.F.]

Sir,

Downing Street, 18 May, 1910.

I AM directed by the Earl of Crewe to acknowledge the receipt of the Memorial of the Association of the Chambers of Commerce of the United Kingdom, dated the 30th of April,* on the subject of the Transvaal Estate Duty Act of 1909.

In reply, I am to state that Lord Crewe has already been in correspondence with the Government of the Transvaal on the subject, and, in view of the approaching inauguration of Union in South Africa, it is not possible now to address a further communication to them. The Memorial will be brought, however, in due course to the notice of the Union Government.

I am, &c.,
H. W. JUST.

21559

No. 405.

MESSRS. STEVENSON AND BROWNLIE to CAPTAIN J. GILMOUR, M.P.

(Received in Colonial Office, 14 July, 1910.)

147, St. Vincent Street, Glasgow, 12th July, 1910.

Mr. Nicholas M. Reid's Trust.

Transvaal Estate Duty.

DEAR SIR,

WE are agents for the trustees of the late Mr. Nicholas M. Reid, coal merchant and contractor in Glasgow, who died last year, leaving an estate of about £40,000.

Amongst the investments held by the deceased were a number of shares in companies either registered or carrying on business in the Transvaal, which were valued at £4,194 3s. 9d., and on this amount Transvaal estate duty was assessed and paid by us to the extent of £83 17s. 9d., being at the rate of two per cent., in conformity with the provisions of the Transvaal Estate Duty Act, 1909.

Now by Section 20 of the Finance Act, 1894 (as expressed shortly in a text-book on the Act) "where property in a British Possession is liable to estate duty, and is also liable to a death duty in the Colony, the latter duty may be deducted from the estate duty; but *only if*, by an Order in Council, Section 20 of the 1894 Act has been applied to the Colony in question; and that is only to be done when *either no colonial duty is leviable on property situate in the United Kingdom, or, if leviable, the amount of the home (i.e., United Kingdom) death duty is deducted from the Colonial duty, on the principle of this Section.*"

Orders in Council were, we believe, applied in 1894 to something like twenty-three British Possessions or Colonies (including Natal and the Cape of Good Hope) to the above effect; but, of course, in 1894 the Transvaal was a foreign country, and no Order could be applied.

On paying the Government estate duty on Mr. Reid's estate for the United Kingdom, we proposed to deduct therefrom the £83 17s. 9d. which we had paid to the Transvaal Agent-General, but this was refused. *Per* observation by the Registrar of Estate Duty (26th April, 1910): "Section 20 of the Finance Act has never been applied to the Transvaal, and the deduction of £83 17s. 9d. is not admissible and should be deleted."

We thereupon (27th April, 1910) requested the Agent-General to inform us if, within his knowledge, any application had been made for an Order in Council applying the section in question to the Transvaal, and, if so, with what result.

He replied (29th April, 1910): "Section 20 of the Imperial Finance Act has not been made applicable to the Transvaal estate duty. The Agent-General understands that the Transvaal Government does not contemplate taking any action in regard to the issue of an Order in Council so as to make it applicable."

We consider the position so obviously inequitable as to call for enquiry. That the estate of a domiciled Englishman, Scotsman, or Irishman who dies leaving property in the Transvaal and in Natal should be mulcted in double duty in the one case and not in the other seems to us inexplicable on any basis of justice or fair dealing.

The inequity appears the more pronounced when it is observed that in the case of a British subject with property held abroad (*e.g.*, in France), deduction of the debts owing by him and of foreign duty and expenses abroad is allowed.

We are, &c.,

STEVENSON AND BROWNLIE

Captain John Gilmour, M.P.,
House of Commons,
Westminster.

21559

No. 406.

SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 414.]

(No. 143.)

MY LORD,

Downing Street, 6 August, 1910.

I HAVE the honour to transmit to Your Excellency a copy of a Memorial* from the Association of Chambers of Commerce of the United Kingdom regarding the operation of the Transvaal Estate Duty Act, together with a copy of a letter† from this Office in reply. I also enclose a copy of a letter‡ received through Captain J. Gilmour, M.P., from Messrs. Stevenson and Brownlie relating to the same Act.

This legislation formed the subject of considerable correspondence with the Transvaal Government, (Lord Selborne's despatch, No. 25, of 14 February§ and previous correspondence) who were not prepared to take action to procure its amendment, but in view of the complaints made of the way in which some of its provisions operate, I trust that your Ministers will further consider the question of amending the Act.

I have, &c.,
CREWE.

21559

No. 407.

COLONIAL OFFICE to TREASURY.

[See No. 415.]

SIR,

Downing Street, 1 September, 1910.

WITH reference to the letter from this Department of the 28th of May|| and previous correspondence, I am directed by the Earl of Crewe to transmit to you, to be laid before the Lords Commissioners of the Treasury, copies of further correspondence¶ respecting the Transvaal Estates Duty Act, 1909.

It will be observed that Messrs. Stevenson and Brownlie raise the question of double payment of estate duty in the Transvaal and in the United Kingdom. Lord Crewe's attention has been drawn to the report in the "Times," of July 22, dealing with the proceedings on the occasion of a deputation to the Chancellor of the Exchequer in which the analogous question of double payment of income tax is dealt with. In the course of his remarks, the Chancellor of the Exchequer appears to have admitted the existence of a *prima facie* grievance, and suggested that the matter was one which might possibly be discussed at the next Imperial Conference.

Lord Crewe is desirous of having the further observations of the Lords Commissioners of the Treasury as to this suggestion. It will be remembered that at the last Conference the question of double payment of income tax was discussed on a resolution of the Government of Cape Colony (*see* pp. 183-190, 196-198, 543-545 of [Cd. 3523] and pp. 161-167 of [Cd. 3524]), but that no progress was made.

* No. 403. † No. 404. ‡ No. 405. § No. 402.
|| L.F. transmitting copies of Nos. 403 and 404. ¶ Nos. 405 and 406.

Their Lordships will see that Lord Crewe has asked the Union Government further to consider the question of the amendment of the Transvaal Act, which has given rise to complaint not only on the ground of double payment but on that of the onerous obligations imposed on English Companies, but he fears that the Union Government is likely to adhere to the attitude taken up by the Transvaal Government.

The questions raised by this legislation appear to be of a kind suitable for consideration by the Imperial Conference, but probably they cannot be usefully discussed unless His Majesty's Government can previously discover some arrangement for a compromise which the self-governing Dominions could be urged to accept. Lord Crewe will be glad if the Lords Commissioners of the Treasury will take the matter into their consideration, and favour him with their observations on it as soon as convenient. If the matter is to be discussed at the Conference, it is desirable that papers on the subject should be sent out in advance to the Governments of the self-governing Dominions.

I am, &c.,
C. P. LUCAS.

21559

No. 408.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 409.]

SIR,

Downing Street, 5 September, 1910.

WITH reference to the letter from this Department of the 18th of May last* and previous correspondence, I am directed by the Earl of Crewe to transmit to you, for any observations the Board of Trade may have to make thereon, a copy of a letter† which has been addressed to the Treasury on the subject of the Transvaal Estates Duty Act, 1909.

I am, &c.,
C. P. LUCAS.

29322

No. 409.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 23 September, 1910.)

[Copy to Treasury, 30 September, 1910. L.F.]

Board of Trade (Commercial Department),
Gwydyr House, Whitehall, London, S.W.

22nd September, 1910.

SIR,

WITH reference to your letter, No. 21559/1910, of the 5th September,‡ with enclosures, and to previous correspondence on the subject of the new Transvaal Estate Duty Act, I am directed by the Board of Trade to state, for the information of Lord Crewe, that they understand that a discussion on the subject at the forthcoming Imperial Conference would involve the consideration of the provisions of Section 20 of the Finance Act, 1894, and would be likely to raise other questions affecting the taxation of Colonial property in the United Kingdom.

The matter appears, therefore, to be primarily one for the consideration of the Treasury; but, subject to the opinion of the Lords Commissioners, the Board are disposed to think that, in view of the importance of the question and the objections which have been taken in this country to the recent Transvaal legislation, its discussion at the Imperial Conference might be advantageous.

I have, &c.,
WALTER J. HOWELL.

* L.F. transmitting copies of Nos. 403 and 404. † No. 407. ‡ No. 408.

35797

No. 410.

TREASURY to COLONIAL OFFICE.

(Received 22 November, 1910.)

[Answered by No. 412.]

SIR,

Treasury Chambers, 22nd November, 1910.

I AM directed by the Lords Commissioners of His Majesty's Treasury to transmit herewith a copy of a letter, dated the 31st ultimo, which has been addressed to them by the Acting High Commissioner for the Union of South Africa, and to request that Mr. Secretary Harcourt will cause the Union Government to be informed that my Lords regret that they cannot assent to the proposition contained therein to the effect that shares in companies registered in South Africa should, in all circumstances, be regarded, for death duty purposes, as personal property situate in South Africa, and that they are therefore unable to answer in the affirmative the question asked in the second paragraph of the letter, viz., whether His Majesty's Government would be prepared to apply Section 20 of the Finance Act, 1894, to the Union of South Africa if the proposed legislation were to provide for the taxation of shares in companies registered in South Africa, instead of following the lines of the Transvaal Act which provided for the taxation of shares in all companies carrying on business within that Colony, wherever registered.

I am, &c.,

G. H. MURRAY.

Enclosure in No. 410.

The High Commissioner for the Union of South Africa,
72, Victoria Street, Westminster, S.W.,

SIR,

31st October, 1910.

I HAVE the honour to inform you that the Minister of Finance for the Union of South Africa has cabled to me stating that his Government proposes as far as possible making the Transvaal Estate Duty Act, 1909,* of which I enclose a copy, applicable to the whole of the Union.

In doing so, the Union Government desires, if possible, to avoid the payment of double estate duty by persons dying domiciled in Great Britain, and I am directed to ascertain whether His Majesty's Government would be prepared to apply Section *twenty* of the Finance Act, 1894, to the Union of South Africa if the proposed legislation were to provide for the taxation of shares in companies registered in South Africa, instead of following the lines of the Transvaal Act which provided for the taxation of shares in all companies carrying on business within that Colony, wherever registered.

The Union Government has been advised that shares in companies registered in South Africa, no matter where the domicile of the deceased holder may be, are personal property situate in South Africa within the meaning of Section *twenty* of the Finance Act, 1894, and it is understood that the practice of the Commissioners of Inland Revenue, acting on the opinion of their legal advisers, has been based on a similar reading of the Act.

I shall be glad to place before you any further information that may be required in this connection.

As the matter is one of urgency, in view of the opening of the Union Parliament on the 4th proximo, I am to request that it may receive the early attention of their Lordships.

I have, &c.,

JAMES BURNS,

Acting High Commissioner.

The Permanent Secretary to the Treasury,
Whitehall.

* See No. 396.

35797

No. 411.

COLONIAL OFFICE to THE ACTING HIGH COMMISSIONER FOR
THE UNION OF SOUTH AFRICA

SIR,

Downing Street, 24 November, 1910.

WITH reference to your letter of the 31st of October* addressed to the Treasury, I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Acting High Commissioner, a copy of a letter† from the Treasury stating that the Lords Commissioners cannot assent to the proposition that shares in companies registered in South Africa should, in all circumstances, be regarded, for death duty purposes, as personal property situate in South Africa, and that it would accordingly not be possible to apply Section 20 of the Finance Act, 1894, to the Union of South Africa in the circumstances indicated in your letter.

I am, &c.,

H. W. JUST.

34805

No. 412.

COLONIAL OFFICE to TREASURY.

[Answered by No. 415.]

SIR,

Downing Street, 24 November, 1910.

WITH reference to the letter from this Office of the 1st September,‡ I am directed by Mr. Secretary Harcourt to transmit to you the accompanying extract from a telegram from the Governor of New Zealand, proposing as a subject for discussion at the Imperial Conference of 1911 the question of relief from double taxation, whether in the case of Income Tax or otherwise.

2. Mr. Harcourt would be glad to receive an expression of the views of the Treasury with regard to this matter. I am, in this connection, to refer to your letter of the 22nd instant§ respecting double payment of death duties in the United Kingdom and the Union of South Africa.

I am, &c.,

H. W. JUST.

Enclosure in No. 412.

" (20) Relief from double taxation whether in case of income tax or otherwise."

36524

No. 413.

COLONIAL OFFICE to TREASURY.

[Answered by No. 415.]

SIR,

Downing Street, 6 December, 1910.

IN continuation of the letter from this Office of the 24th of November,|| I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Treasury, the accompanying copy of the text of the resolution which it is proposed by the Government of New Zealand to discuss at the Imperial Conference of 1911 with regard to relief of tax payers in the United Kingdom from double taxation in respect of income derived from the British dependencies.

2. Mr. Harcourt will be glad to receive the observations of their Lordships on this matter at as early a date as possible, since it is very desirable that memoranda on the subjects to be discussed at the Conference should be in the hands of the

* Enclosure in No. 410.

† No. 407.

§ No. 410.

|| No. 410 (without enclosure).

¶ No. 412.

respective Prime Ministers in good time before they leave for this country about the middle of April.

I am, &c.,
C. P. LUCAS.

Enclosure in No. 413.

"(15) *Income tax*: That it is inequitable that persons resident in United Kingdom who, under the laws of a self-governing dependency, pay an income or other tax to the Government of such dependency in respect of income or profits derived from the dependency should have to pay a further tax in respect of the same income or profits to the United Kingdom, and therefore it is most desirable that Imperial legislation should be introduced to remove the disability."

37820

No. 414.

SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10 December, 1910.)

(No. 316.)

SIR, Governor-General's Office, Cape Town, 22nd November, 1910.
WITH reference to Lord Crewe's despatch of the 6th August, No. 143,* I have the honour to enclose, for your information, a copy of a Minute from Ministers on the subject of the Transvaal Estate Duty Act, 1908.

2. Some delay has occurred in the transmission of this minute, owing to the circumstance that the accompanying memorandum was, in the result of informal communications, returned to Ministers for revision on a point of drafting, and has only now reached me in its amended form.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 414.

(Minute, No. 631.)

Prime Minister's Office, Pretoria, 18 October, 1910.
With reference to His Excellency the Governor-General's Minute, No. 53/14/10, dated the 29th August last, transmitting, for the consideration of Ministers, despatch, No. 143, dated the 6th idem, with annexures, from the Right Honourable the Secretary of State for the Colonies on the subject of the Transvaal Estate Duty Act, 1908, Ministers have the honour to forward herewith, for transmission to the Secretary of State for the Colonies, a memorandum dealing with the objections raised by the Chambers of Commerce of the United Kingdom and by Messrs. Stevenson and Brownlie, of Glasgow, to the above-cited Act.

LOUIS BOTHA.

MEMORANDUM.

TRANSVAAL ESTATE DUTY ACT, 1909.

Commercial or trading companies whose headquarters are in the United Kingdom or elsewhere outside the Transvaal, and who only carry on a branch business

* No. 406.

in the Transvaal, fall within the scope of the Act only to the extent of being required to show the proportion between the business done in the Transvaal and the company's entire business, by way of claiming exemption from the operation of the Act. This requirement can be complied with in the simplest way by presenting the last published yearly accounts of the company, together with a statement representing the volume of the Transvaal business.

2. Of all the commercial or trading companies doing business in the Transvaal, only two, apart from South African banking companies, have been held liable to the operation of the Act; and none of the companies mentioned could reasonably contend that it had any grounds for claiming exemption from this Act.

3. There does not seem to be any substantial ground for the complaints made by the Chambers of Commerce of the United Kingdom, in so far as commercial or trading companies are concerned.

4. As regards companies, the purpose and intention of the Act is that it should reach and apply to mining and landholding companies, and for the very good reason that the bulk of all the mineral property and resources of the Transvaal are in the hands of such companies. Since they hold the main resources of the country, it is but fair and equitable that the members of those companies should be required to contribute to the revenue of the country. The shares held by members of such companies derive all the value they possess from the property in this country held by those companies, and from the dividends drawn from this country; and it is only fair and reasonable to claim that if those shares are properly taxable anywhere the first right of taxation must belong to the country from which their value is solely derived.

5. For the reasons mentioned in the preceding paragraph the late Transvaal Legislature thought fit to make oversea shareholders of such companies contribute through taxation to the Colonial revenue, and the experience of the working of the Act has not shown any grounds for departing from that purpose.

6. With reference to the suggestion made in the letter from Messrs. Stevenson and Brownlie for putting into force Section 20 of the Imperial Finance Act of 1894, it may be pointed out that the Transvaal Act relating to estates of deceased persons taxes only property (whether real or personal) which is situated in the Transvaal (assuming the shares of companies holding mines and lands in the Transvaal to be situated within the Transvaal for the reasons above explained). But the law of the United Kingdom on the subject goes much further, and taxes all personalty (which includes shares) of a deceased subject wherever situated; consequently, the double taxation complained of results from the law of the United Kingdom and not from the Transvaal law. If the legislation of the Imperial Parliament be amended so as to exclude from taxation in the United Kingdom the shares in mining, &c., companies in South Africa (mentioned in paragraph 4 above), the Union Government would then be in a position to consider any proposal the Imperial Government might wish to make for putting into effect Section 20 of the Imperial Finance Act of 1894.

7. Complaint is also made of double taxation resulting from the same profits being subjected to both South African and British income tax. On this point it is only necessary to mention that at present there is no income tax in force in any part of South Africa, and if there be any cause for complaint against the liability to income tax of any profits or income which are really South African, the fault must lie with the over-lapping provisions of the British Income Tax Law.

Department of Finance,
Pretoria.

15th October, 1910.

39853

No. 415.

TREASURY to COLONIAL OFFICE.

(Received 30 December, 1910.)

[Answered by No. 416.]

SIR,

Treasury Chambers, 29th December, 1910.
I AM directed by the Lords Commissioners of His Majesty's Treasury to acknowledge the receipt of Sir Charles Lucas's letter of the 6th instant* (36524/

* No. 413.

1910), forwarding the text of a resolution which the Government of New Zealand desire to bring forward at the forthcoming Imperial Conference.

The proposition which the Government of New Zealand desire to see affirmed is that "it is inequitable that persons resident in United Kingdom who, under the laws of a self-governing dependency, pay an income or other tax to the Government of such dependency in respect of income or profits derived from the dependency, should have to pay a further tax in respect of the same income or profits to the United Kingdom."

The question was discussed at the last Conference in 1907, and the attitude of the Board of Treasury towards it is explained in the letters of the 20th October, 1903, 23rd June, 1905, and 18th December, 1905,* copies of which were in the hands of the members of the Conference.

But it may be convenient if my Lords recapitulate on the present occasion the views which they have previously expressed in those and other documents, and to which, so far as they are aware, no reply has yet been attempted.

(1) My Lords are unable to see anything inequitable in the requirement that a person who resides in one country and earns his income in another should be made amenable to the taxation of both. Owing to the circumstances of his position he is, *pro tanto*, a citizen of two countries, and enjoys the protection of two Governments. Equity does not appear to require that such a person should be exempted from taxation in the country where he receives his income because he has already been taxed in the country where it is produced.

(2) In selecting various methods of taxation, both this country and the self-governing Colonies have hitherto proceeded on the assumption that the constituent parts of the Empire are distinct and independent for fiscal purposes. They have made their fiscal arrangements to suit their individual requirements, and without regard to the action of each other; and my Lords see no means by which this could be avoided unless the fiscal relations and burdens of the Empire were to be reconsidered as a whole.

(3) The income tax in this country is, as its name implies, a *tax upon income* or profits received or made in the United Kingdom; and it is levied without regard either to the locality of the property out of which the income arises, or to any taxation to which it may there be subject. In this respect, my Lords believe the British income tax differs from that levied in some of the self-governing Colonies, which extends only to incomes produced in the country where the tax is in force; but having regard to the large amount of income derived by residents in the United Kingdom from foreign or colonial sources, my Lords cannot contemplate any alteration of the law which would so materially affect one of the fundamental principles of the income tax as it exists in this country.

(4) The proposal of the New Zealand Government aims at an amendment in the existing law of the United Kingdom on the ground that its operation is inequitable in the case of residents in this country who are subject to an income tax in the self-governing Colonies; but my Lords desire to point out that the law has been in force in this country for nearly 70 years; and that the liability to double taxation which the New Zealand Government regard as inequitable has, in fact, been created by the much more recent legislation under which the Colonial income taxes have been imposed. While my Lords do not question the right of the self-governing Colonies to adopt this, or any other, form of taxation, they cannot admit that it constitutes any ground for requiring an alteration in the law of the United Kingdom.

(5) It may further be observed that the alterations suggested would apply only to incomes derived from Colonies where an income tax is levied. It must, however, be assumed that in Colonies where there is no income tax, the burden of taxation, both on property and individuals, is substantially the same; and the relief given would, therefore, be very unequally distributed.

In the foregoing observations, my Lords have assumed that the resolution of the New Zealand Government is directed to the question of income tax alone. If any resolution is to be brought forward on the subject of death duties either by that

* Nos. 2, 4, and 7 in Section XII. of [Cd. 3524] May, 1907.

Government or any other, they would be glad to have an opportunity of considering it in due course. But they do not propose to raise the question on the part of the Imperial Government.

I am, &c.,
G. H. MURRAY.

39853

No. 416.

COLONIAL OFFICE to TREASURY.

[See Enclosure in No. 419.]

SIR,

Downing Street, 12 January, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 29th December,* on the subject of the resolution proposed for discussion by the Government of New Zealand at the Imperial Conference of 1911 with regard to the payment of double taxation.

2. With reference to the last paragraph of your letter I am directed to transmit to you, to be laid before the Lords Commissioners of the Treasury, the accompanying copy of a despatch† from the Governor-General of the Union of South Africa on the subject of the payment of estate duty under the Transvaal Act of 1908.

3. Mr. Harcourt would be glad to receive at their Lordships' early convenience any observations which they may desire to offer on the proposals made in the 6th paragraph of the memorandum from the Department of Finance. In this connection I am to refer to your letter of the 22nd November.‡

I am, &c.,
H. W. JUST.

2165

No. 417.

COLONIAL OFFICE to TREASURY.

[See Enclosure in No. 419.]

SIR,

Downing Street, 25 January, 1911.

IN continuation of the letter from this Office of the 12th of January,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Treasury, the accompanying extract from a telegram from the Governor-General of the Union of South Africa, from which it appears that among the subjects of discussion proposed by the Union Government at the Imperial Conference is the double payment of income tax and death duties in the United Kingdom and the Dominions.

2. Mr. Harcourt will be glad if their Lordships will take this resolution into consideration in connection with the papers which have already been communicated to the Treasury in the letter under reference. I am to add that it appears to him that it will facilitate progress at the Conference if the representatives of the Dominions, before they leave for the Conference, are furnished with a full statement of the reasons on which His Majesty's Government base their policy in these matters. Such a statement as regards income tax is contained in your letter of the 29th of December,* and I am to enquire whether their Lordships see any objection to that letter being forwarded to the Dominion Governments with a similar statement as regards death duties. I am to request that the matter may be treated as one of some urgency, as it is desired to forward papers relating to the Conference resolutions to the Dominions at a very early date.

I am, &c.,
H. W. JUST.

* No. 415.

† No. 414.

‡ No. 410.

§ No. 416.

Enclosure in No. 417.

"(6) That it is desirable that an understanding be arrived at between the Imperial and the Colonial Governments whereby the Imperial Exchequer in claiming payment for Income Tax and Death Duties should allow a deduction for payments fairly claimed for these purposes in the Colonies."

39853

No. 418.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 124.)

(New Zealand. No. 63.)

(Australia. No. 89.)

(Newfoundland. No. 30.)

(South Africa. No. 97.)

MY LORD,

Downing Street, 23 February, 1911.

SIR,

With reference to my despatch, No. [38] [25] [30] [17] [8], of the 20th of January,* I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, a copy of a letter† from the Treasury respecting the resolution on the subject of payment of double income tax proposed for discussion at the Imperial Conference by the Government of New Zealand.

This letter explains the attitude of the Lords Commissioners of the Treasury upon the question, and is forwarded as a preliminary to the discussion at the Conference. The subsequent resolution‡ of the Government of the Union of South Africa on the subject of double estate duty is at present receiving consideration with a view to the circulation of a similar paper.

I have, &c.,

L. HARCOURT.

6816

No. 419.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Treasury, March 14, 1911. L.F.]

(Canada. No. 167.)

(New Zealand. No. 93.)

(Australia. No. 117.)

(Newfoundland. No. 52.)

(South Africa. No. 120.)

MY LORD,

Downing Street, 10 March, 1911.

SIR,

In continuation of my despatch, No. [124] [89] [97] [63] [30], of the 23rd of February,§ I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, the accompanying copies of a memorandum which has been prepared by the Lords Commissioners of the Treasury on the subject of the resolution to be moved by the Government of the Union of South Africa with regard to payment of death duties to the Imperial Exchequer and to the Dominion Governments.

2. This memorandum will form a convenient basis for the discussion of the question at the Imperial Conference.

I have, &c.,

L. HARCOURT.

Enclosure in No. 419.

PROPOSED RESOLUTION AS TO INCOME TAX AND DEATH DUTIES.

Memorandum as to the Death Duty Part thereof.

The Resolution:—

"That it is desirable that an understanding be arrived at between the Imperial and the Colonial Governments whereby the Imperial Exchequer in claiming payment for Income Tax and Death Duties should allow a deduction for payments fairly claimed for these purposes in the colonies."

It is observed that this Resolution is couched in general terms, and it is not made clear on what basis the suggested "deduction" should be allowed. But the desired concession would apparently be at the cost of the Imperial Exchequer alone.

For the better understanding of the subject, it may be useful here to state briefly the scope of the British estate duty and the nature of the existing concession to the Colonies.

The British estate duty is chargeable—

(1) in respect of all property situate in the United Kingdom, wherever the owner is domiciled; and

(2) in respect of personal property situate outside the United Kingdom, if owned by a person domiciled in the United Kingdom.

The duty is not chargeable on real property situate outside the United Kingdom whatever the domicile of the owner.

The existing concession to the Colonies is embodied in the Finance Act of 1894, which provides as follows:—

"Section 20.—(1) Where the Commissioners are satisfied that, in a British Possession to which this section applies, duty is payable by reason of a death in respect of any property situate in such possession and passing on such death, they shall allow a sum equal to the amount of that duty to be deducted from the estate duty payable in respect of that property on the same death.

"(3) Her Majesty the Queen may, by Order in Council, apply this section to any British Possession where Her Majesty is satisfied that, by the law of such Possession, either no duty is leviable in respect of property situate in the United Kingdom when passing on death, or that the law of such Possession as respects any duty so leviable is to the like effect as the foregoing provisions of this section.

"(4) Her Majesty in Council may revoke any such Order where it appears that the law of the British Possession has been so altered that it would not authorize the making of an order under this section."

This provision has been applied to some thirty-five Colonies; and, in their case, its effect is that, where property comes under the charge of estate duty in the United Kingdom and of the analogous duty in a Colony, it only pays, in result, so much as is equal to the larger of the two taxes.

As the amount of Colonial property owned by persons domiciled in the United Kingdom is much greater than the amount of British property owned by persons domiciled in the Colonies, the loss caused by the remission of duty is much greater in the case of the United Kingdom than in the case of the Colonies.

As regards the South African Colonies, while the section was applied to Natal and to the Cape, the Order in Council in respect of the latter was subsequently revoked, because the law of that Colony had been so altered as no longer to comply with the requirements of the section. And, similarly, though an Order was applied for by the Transvaal, it could not be granted, because its law (like the Cape law

* No. 6 in [Cd. 5513].

† No. 415.

‡ See No. 7 in [Cd. 5513].

§ No. 418.

and substantially for the same reason) fails to comply with the requirements of the Section.

The difficulty which arises in these cases is due to difference in the treatment of the shares of companies which carry on business in the Colonies.

These companies are for the most part British, and, by British law, the shares are, in general, treated as situate in the United Kingdom, whereas the law of both the Cape and the Transvaal provides that they shall be deemed to be situate in the Colonies.

There is, thus, direct conflict between the British and Colonial law as to the situation of these shares and the consequent liability for duty.

The law defining the situation of the shares may be explained as follows:—

A share in a company has no separate physical existence, and, therefore, no actual situation; but, for various purposes, a notional situation is ascribed to it by law.

Where the share is represented by a document of title which passes by delivery, the situation of the document determines, under British law, the situation of the share. But where there is no such document, then the situation of the share is determined by the situation of the register of shareholders, entry upon which is evidence of the title of the shareholder.

In determining the notional situation of a share, the actual situation of the property of the company (which may be in any part of the world) is, by British law, not material; nor, except in the following circumstances, is the locality of the operations of the company material.

The exception is where, under authority of the British Statute, a British company carrying on business in a Colony, establishes in the Colony, for the convenience of shareholders resident there, a separate branch register. In such circumstances there is a provision that, for the purpose of British death duties, shares registered on such branch register shall, nevertheless, in the case of persons domiciled in the United Kingdom, be considered to be situate in the United Kingdom, as if they were on the principal register.

This enactment is a legislative recognition of the rule, established by the British Courts, that, apart from express statutory enactment, shares not represented by documents of title which pass by delivery are situate where the register is kept.

By Cape law, on the other hand, shares in all companies (British, Colonial, or foreign) which carry on business in the Colony, are deemed to be situate in the Colony; but if the company carries on business outside as well as within the Colony, and it is proved that a portion of the capital of the Company is exclusively devoted to carrying on business outside the Colony, a corresponding reduction of the value of the shares is made.

By Transvaal law, shares in Transvaal companies, wherever they carry on business, and shares of other companies which carry on business in the Colony, are deemed to be situate in the Colony, although in the case of companies other than Transvaal companies, if the larger part of their business is carried on outside the Colony, the amount of duty payable is reduced *pro rata*.

Put shortly, the British test, it will be seen, is the situation of the evidence of title to the shares, whereas the Cape and Transvaal test is the locality of the operations of the Company, save that, in the case of the Transvaal, the locality of the operations of Transvaal companies is immaterial.

Treasury.

28th February, 1911.

Reciprocity in the Law respecting Destitute Persons.

31739

No. 420.

POOR LAW UNION OF WEST HAM to COLONIAL OFFICE.

(Received 17 October, 1910.)

Board Room, Union Road,

Leytonstone, N.E., 14th October, 1910.

MY LORD,

I AM directed by the Guardians to enclose copy of a resolution adopted by them with reference to deserted women in receipt of poor law relief, and to state that they will be glad if the Colonial Office can see their way to take action upon the lines indicated

I have, &c.,
THOMAS SMITH.

Enclosure in No. 420.

"That the attention of the Local Government Board be called to the extremely large number of deserted women in this Union area whose husbands leave their ships in New Zealand, Australia, and other Colonies, and that in the opinion of this Board the time has arrived for the Local Government Board to enter into communication with the Agents-General of the several Colonies, with a view to a working arrangement and agreement being come to between the Local Government Board and the said Agents-General as to the maintenance of the deserted wives and children of such men."

31739

No. 421.

COLONIAL OFFICE to THE LOCAL GOVERNMENT BOARD.

[Answered by No. 423.]

SIR,

Downing Street, 25 October, 1910.

WITH reference to your letter of the 13th of May, 1909,* I am directed by the Earl of Crewe to transmit to you, to be laid before the Local Government Board, the accompanying copy of a letter† from the Guardians of the West Ham Union, on the subject of the deserted wives and children of men who leave their ships in New Zealand, Australia, and other Colonies.

2. I am to add that amongst the subjects which have been proposed by the Government of New Zealand for discussion at the Imperial Conference (as reported by telegraph‡) is one as to "Reciprocity as to destitute persons law." Lord Crewe is asking the Government of New Zealand to supply further information as to what exactly it is desired to discuss, but, in view of the fact that legislation has recently been initiated in New Zealand for the purpose of more effectually preventing the desertion of wives and families, and that that legislation contains provisions for making effective in New Zealand judgments obtained in the Australian States against persons so deserting their families, Lord Crewe considers it probable that the New Zealand Government will propose that similar legislation should be adopted in the different parts of the Empire.

3. Lord Crewe would be glad to receive any observations which the Board may wish to offer on this matter.

I am, &c.,
C. P. LUCAS.

* 15173 : not printed.

† No. 420.

‡ See No. 2 in [Cd. 5513].

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD.

[Answered by No. 423.]

Sir,

Downing Street, 8 December, 1910.

WITH reference to the letter from this Department of the 25th of October last,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Local Government Board, an extract from a telegram from the Governor of New Zealand embodying the text of the resolution which the Prime Minister of New Zealand proposes to submit to the Imperial Conference on the subject of reciprocity as to the law relating to destitute persons.

Mr. Harcourt would be glad if the Local Government Board could embody their observations on this question in the form of a memorandum, and if this memorandum could be forwarded to this Department in time for it to reach the Prime Ministers of the self-governing Dominions about the middle of April next, before they leave for the Conference.

I am, &c.,
C. P. LUCAS.

Enclosure in No. 422.

"(14) *Reciprocity destitute persons law*: That in order to relieve both wives and children, and the poor relief burdens of Great Britain and her Dependencies, reciprocal provisions should be made throughout the constituent parts of the Empire in respect to destitute and deserted (?) persons."

1101

No. 423.

LOCAL GOVERNMENT BOARD to COLONIAL OFFICE.

(Received 12 January, 1911.)

[Answered by No. 429.]

Sir,

Local Government Board, Whitehall, S.W., 11th January, 1911.

I AM directed by the Local Government Board to advert to Sir C. P. Lucas's letters of the 25th October last and 8th ultimo (Nos. 31739/1910 and 36523/1910),† relative to the desirability of initiating legislation on the subject of reciprocity between the United Kingdom and the Colonies in regard to deserted wives and children.

The Board direct me to forward to the Secretary of State for the Colonies the accompanying copy of a memorandum which the Board have caused to be prepared in relation to the matter.

At the same time I am to state that it appears to the Board to be desirable, as regards the proceedings in bastardy matters, and generally as regards the service of summonses and the enforcement of orders on persons outside the jurisdiction of the Courts in England, that the Home Office should be consulted, and that the view of the Board of Trade should be obtained on the question of the desertion of wives and children by seamen who leave their ships in the Colonies. It would also seem to be desirable to consult the Scottish and Irish Local Government Boards.

I am, &c.,
J. S. DAVY,
Assistant Secretary.

* No. 421.

† Nos. 421 and 423.

IMPERIAL CONFERENCE.

Proposed Reciprocity between the United Kingdom and the Colonies in regard to Deserted Wives and Children.

1. *Scope of proposed reciprocal arrangements*.—Apparently the reciprocal arrangements which it is proposed to establish are intended to secure the enforcement of pecuniary assistance to deserted families and not merely the punishment of the fugitive parent, such, for instance, as could be obtained under S. 4 of the Vagrancy Act, 1824.

2. *Present law in England as to maintenance of deserted wife*.—As the law now stands, where a wife requires relief without her husband, the Guardians may obtain from justices in petty sessions an order upon the husband to pay such a sum, weekly or otherwise, towards the cost of the relief of the wife, as, after consideration of all the circumstances of the case, appears to be proper (Poor Law Amendment Act, 1868, S. 33).

3. *And of deserted children*.—There is no such direct statutory provision to meet the case of deserted children, but for this purpose recourse may be had to S. 6 of the Poor Relief Act, 1601, as amended by subsequent enactments, under which the father, being of sufficient ability, may be ordered by justices to contribute towards the relief of children who are dependent upon him.

4. *Procedure for obtaining maintenance orders*.—In each case the procedure is by summons before a Court of Summary Jurisdiction. The summons must be served upon the father, and, if the father fails to appear at the hearing, service of the summons must be proved. In making an order the justices have to take into consideration the ability of the father to pay, and some evidence on this point is necessary. The sums ordered to be paid are recoverable as civil debts, i.e., upon complaint by summons and judgment enforceable by distress in default of payment, but by commitment only upon proof of means to pay.

5. *Bastardy orders*.—Bastardy or affiliation orders involving the payment of sums towards the support or relief of the mother or bastard child, may be obtained under the provisions of the Poor Law Amendment Act, 1844, the Bastardy Act, 1845, the Bastardy Laws Amendment Acts of 1872 and 1873, and the Bastardy Orders Act, 1880, by the mother of a bastard child, or, in certain cases, by the Guardians, if the child becomes chargeable. The procedure is by summons before justices in petty sessions, and proof of the service of the summons is required in case the father does not appear at the hearing. The woman must give evidence, and her evidence must be corroborated in some material particulars. The order when made is enforceable by distress, and in default of distress by commitment for a term not exceeding three months.

6. *No general provision for issue of process outside England*.—As a general rule there is no provision in the English law under which a summons can be served on a person outside the jurisdiction, nor is there any means of enforcing such orders as above mentioned against a person who has left the country.

Exception as regards Scotland.—An exception is, however, afforded by the Summary Jurisdiction (Process) Act, 1881, by which provision is made for service of process (except for civil debts) of an English court of summary jurisdiction, in Scotland, and of a Scotch Court, in England, and for dealing with persons apprehended under any process executed in pursuance of the Act, and for executing distress warrants. The same Act enables a bastardy order obtained in England to be registered in a Sheriff's Court in Scotland, and enforced as if the order were an order of that Court. That Act does not extend to Ireland.

7. *Twofold aspect of proposed arrangements*.—Any reciprocal arrangements between the United Kingdom and the Colonies, such as are suggested for the protection of deserted wives and children, involve the consideration of the question both of the enforcement of maintenance orders which have been already obtained, and of the obtaining of maintenance orders against fathers who have left the country of origin.

8. *Enforcement of orders already obtained*.—As regards these matters the first necessity would be an agreement between the Mother Country and the Colonies

to pass the necessary legislation providing for the recognition and enforcement in the Colonies of orders made in the United Kingdom, after registration, endorsement, or otherwise, and *vice versa*.

9. *Obtaining orders against absent persons.*—A somewhat greater difficulty arises in regard to obtaining an order against a person who has left the country. As has been shown, it is necessary, under the laws at present in force in England, to serve the defendant with process, and to adduce at the hearing proof of such service, if the defendant does not appear. The proposed arrangements would involve the obtaining of an order against a defendant in his absence and without proof of such service, *i.e.*, either personal or by leaving it at his last or most usual place of abode, as is at present prescribed by English law. The point is met in some Colonial statutes by allowing service to be effected by publication in an official Gazette or in some newspaper circulating in any place where the magistrate has reason to believe the defendant is or resides, and on proof of this the magistrate is empowered to proceed in the defendant's absence.

Difficulty in applying Colonial procedure to England.—This method of procedure, though perhaps sufficiently adapted to the case of adjoining or neighbouring Colonies, would be hardly applicable in the case of a man who had gone from England to some Colonial destination, particularly if the precise destination were unknown.

10. *Legislative changes necessary to carry out proposed scheme.*—In order, therefore, to make the proposed scheme effective, it would be necessary to adopt and to obtain legislative sanction for a principle, hitherto unrecognised here, of allowing orders to be made against a defendant, not merely in his absence, but without proof that the proceeding has been brought to his notice. If an order were thus obtained, it would probably be considered that it should be regarded as provisional, and that if and when the whereabouts of the fugitive was ascertained, it might be transmitted thither for enforcement upon giving to the defendant notice of the order, whereupon he would have an opportunity of appealing to a Court of the country where he was resident. It must be borne in mind, however, that in many cases, there would be a difficulty in showing, when applying for a provisional order in the country of origin, that the defendant was possessed of means sufficient to contribute to the support of the wife and family he had left behind.

11. *Propriety of proposed procedure.*—It is not impossible to justify—to some extent at least—some such course of procedure as that indicated in the last paragraph on equitable grounds. It may be argued that if a man deliberately deserts his wife and children, he may properly be considered as *prima facie* compellable to contribute to their support by whatever means may be made available, and as having, by his desertion, assumed the onus of showing that he is not liable, owing to want of means, misconduct of the wife, or otherwise, to have an order made against him.

Possible hardships.—On the other hand it should not be forgotten that a defendant may be placed at a considerable disadvantage in presenting what might be a complete case for defence, owing to his absence and his inability to obtain rebutting evidence.

12. *Proposed procedure not desirable in Bastardy cases.*—And in this connection it should be specially noted that grave hardship might be inflicted if the suggested procedure were extended so as to embrace proceedings in bastardy matters. In fact it would not be desirable, on many grounds, that process of this character should be included amongst the reciprocal arrangements proposed to be made.

13. *Question of cost.*—Whatever conclusion may be arrived at from a strictly legal or equitable aspect, it remains questionable whether, from the administrative point of view, the advantage to be gained would be at all commensurate with the cost incurred in carrying out any such scheme of reciprocity as is under consideration. In particular it would be necessary to transcribe and transmit full depositions, copies of which would have to be furnished to the defendant against whom the ultimate proceedings were taken. The expense thus incurred, in addition to the general costs involved, would, probably, in the majority of instances, be much in excess of the sums that could be recovered, which would not, as a rule, come to more than a few shillings a week. The Local Government Board doubt whether it is desirable to encourage Boards of Guardians to incur what may prove to be wholly unremunerative expenditure.

14. *Desertion of families by merchant seamen.*—In regard to the particular complaint formulated by the West Ham Guardians of the desertion of wives and children by seamen who leave their ships in the Colonies, it may be suggested that some remedy might be found in a vigorous enforcement, wherever possible, of the provisions of the Merchant Shipping Act, 1894 (*e.g.*, Sections 221-224) in regard to desertion from ships. On this subject the views of the Board of Trade should be ascertained. Sections 182 and 183 of this Act appear to afford sufficient means for obtaining maintenance for the wives and children becoming chargeable, of merchant seamen during absence while in service by means of reimbursement out of their wages.

Local Government Board,
January, 1911.

1101

No. 424.

COLONIAL OFFICE to BOARD OF TRADE, LOCAL GOVERNMENT
BOARDS FOR SCOTLAND AND IRELAND, and HOME OFFICE.

[Answered by Nos. 425, 426, and 427, and see Enclosure in No. 431.]

SIR,

Downing Street, 20 January, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the [Board of Trade] [Local Government Board for [Scotland] [Ireland]] [Home Secretary], an extract* from a telegram from the Governor of New Zealand, embodying the text of the resolution which the Prime Minister of New Zealand proposes to submit to the Imperial Conference on the subject of reciprocity as to the law relating to destitute persons. I am also to enclose a copy of a letter† from the Local Government Board, together with a copy of a memorandum which the Board have caused to be prepared in relation to the matter.

Mr. Harcourt would be glad if the [Board of Trade] [Local Government Board for [Scotland] [Ireland]] [Home Secretary] would favour him with [their] [his] observations in this matter. It would be convenient if such observations could be made in the form of a memorandum suitable for communication to the Governments of the self-governing Dominions, and I am to request that this memorandum may reach this department at as early a date as possible, so that it may be forwarded to those Governments for consideration before their representatives leave for the Conference.

I am, &c.,
H. W. JUST.

2903

No. 425.

HOME OFFICE to COLONIAL OFFICE.

(Received 30 January, 1911.)

SIR,

Whitehall, 28th January, 1911.

In reply to the Colonial Office letter of the 20th instant,‡ in regard to a resolution which the Prime Minister of New Zealand proposes to submit to the Imperial Conference on the subject of reciprocity as to the law relating to destitute persons, I am directed by Mr. Secretary Churchill to enclose herewith, for the information of Mr. Secretary Harcourt, a memorandum on the subject.

I am, &c.,
H. B. SIMPSON.

* Enclosure in No. 422.

† No. 423.

‡ No. 424.

Enclosure in No. 425.

There is nothing to add on the part of the Home Department to the statement of the law contained in the Local Government Board memorandum except that, apart from the Poor Law, a wife who is deserted by her husband is entitled under the Summary Jurisdiction (Married Women) Act, 1895, to obtain an order from magistrates, requiring him to contribute a sum not exceeding £2 a week by way of alimony. The procedure is similar to that in the case of bastards. So far as policy is concerned, the Secretary of State shares the doubt expressed in the memorandum with regard to the practical utility of legislation aimed at persons removing from one part of His Majesty's dominions to another in order to escape their legal liability for the maintenance of their families or their bastard children. The amount involved in each case is not very large, and the Secretary of State does not see how any machinery could be devised whereby liability could be enforced in such cases without either a serious risk of injustice or such an expenditure as would be altogether disproportionate to the amount recovered. A case for reciprocal legislation would only be established by showing that such legislation could in fact be enforced in a substantial number of instances.

3547

No. 426.

LOCAL GOVERNMENT BOARD FOR IRELAND to COLONIAL OFFICE.

(Received 4 February, 1911.)

SIR,

Local Government Board, Dublin, 3rd February, 1911.

I AM directed by the Local Government Board for Ireland to acknowledge the receipt of Mr. Just's letter of the 20th ultimo, No. 1101/1911,* with enclosures, relative to the proposed initiation of legislation to secure reciprocity between the United Kingdom and the Colonies in regard to deserted wives and children.

I am to acquaint you, for the information of the Secretary of State for the Colonies, of the Board's general concurrence with the views expressed by the Local Government Board, Whitehall, on this subject in their communication of the 11th ultimo,† and I am to transmit a memorandum embodying the Board's observations in form suitable for communication to the Governments of the self-governing Dominions, as requested in the second paragraph of Mr. Just's letter. This memorandum points out in what respects the law on this subject in Ireland differs from that in force in England.

I am, &c.,

J. E. DEVLIN.

Assistant Secretary

Enclosure in No. 426.

IMPERIAL CONFERENCE.

Proposed Reciprocity between the United Kingdom and the Colonies in regard to Destitute and Deserted Persons.

The law on the subject in Ireland differs somewhat from that in force in England.

Under Section 53 of the Poor Relief Act, 1 and 2 Vic., c. 56, every husband is liable to maintain his wife and every child under the age of 15, whether legitimate or illegitimate, which she may have had at the time of her marriage with such husband.

Every father is liable to maintain his child and every widow to maintain her child and the mother of every bastard child to maintain such bastard child until every such child respectively shall attain the age of 15 years.

Under Section 54 of this Act all relief given under the Act to a wife or child is considered as given to the person declared by this Act to be liable to maintain such

* No. 424.

† No. 423.

wife or child, and under Section 55 the relief so given may be declared to be given by way of loan by the Guardians of the Union in which the same shall be given, and shall be recoverable by such and the same actions and proceedings as money lent.

Section 57 of the same enactment renders a child liable to support or contribute to the support of its parent, where such parent through old age, infirmity, or defect is unable to support himself and becomes chargeable on the rates. The proceedings must be taken on the application of the Guardians of the Union in which such relief shall have been given, and any two justices of the peace of the jurisdiction in which such child resides may direct what sum not exceeding the cost price of such relief shall be paid by such child to the Guardians. The money is recoverable by the Guardians in the same manner as any penalties are recoverable under the Act as laid down in Section 103 thereof.

Section 2 of the Vagrant Act, 10 and 11 Vict., c. 84, provides for the punishment by imprisonment of any person who deserts or wilfully neglects to maintain his wife or child, so as to leave them chargeable on the poor rates.

The enactments specified in paragraphs 2 and 3 of the memorandum compiled by the English Local Government Board are not applicable in Ireland, and there are no similar enactments in this country providing for the making of maintenance orders in the case of deserted wives and children.

The Bastardy Acts mentioned in paragraph 5 of that memorandum are not applicable to Ireland, but the Act 26 Vic., c. 21, enables Boards of Guardians in Ireland to recover the cost of the maintenance of illegitimate children in certain cases from the putative fathers by Civil Bill process.

The Merchant Shipping Act, 1894, mentioned in paragraph 14, is applicable throughout the United Kingdom.

We fully concur in the views expressed by the English Local Government Board in paragraphs 7 to 14 of their memorandum.

The difficulties pointed out therein as regards the procedure in the case of persons out of jurisdiction apply equally to this country, and we consider that the number of cases would be very limited in which the proposed reciprocal legislation would apply or be of any practical benefit.

The Irish Court of King's Bench has decided that magistrates could not convict under Section 2 of the Vagrants Act, 10 and 11 Vic., c. 84, a man for wilful desertion of his wife or children unless the man had the means to maintain his wife or the capability of earning the means, and that the burthen of proving the liability was cast on the prosecutors. Effective criminal proceedings against a person out of jurisdiction would appear to be practically impossible in desertion cases.

Local Government Board, Dublin,

3rd February, 1911.

4520

No. 427.

LOCAL GOVERNMENT BOARD, SCOTLAND, to COLONIAL OFFICE.

(Received 13 February, 1911.)

SIR,

Local Government Board, Edinburgh, 11th February, 1911.

I BEG to acknowledge receipt of your letter, dated 20th ultimo,* containing a request that this Board should prepare a memorandum on a proposal by the Governor of New Zealand that there should be a system of reciprocity between the United Kingdom and the Colonies in dealing with destitute persons. The Board have prepared a memorandum, as desired, and I now enclose the same.

I am, &c.,

DAVID BROWN,

Assistant Secretary.

* No. 424.

MEMORANDUM RELATING TO A PROPOSAL TO ESTABLISH RECIPROCITY BETWEEN GREAT BRITAIN AND THE COLONIES IN THE TREATMENT OF DESTITUTE PERSONS.

In Scotland the action of the Poor Relief Authorities (*i.e.*, the Parish Councils) in proceeding against a husband or a father who deserts or neglects to maintain his dependants is based on Section 80 of the Poor Law (Scotland) Act, 1845 (8 and 9 Vict., ch. 83). The proceedings under this section are of a quasi-criminal nature, and, if the offence is proved, the punishment is usually a term of imprisonment.

Sometimes the Parish Council prefer to raise a civil action instead of availing themselves of the above provision. This would apply to a case in which, though a man's dependants may have become chargeable as paupers, it is difficult to prove desertion. It would also apply to the case of relatives (ascendants and descendants) who are legally liable for the maintenance of (and who are in a position to maintain) persons who have become chargeable. This alternative course is simply an action for the recovery of debt.

When the deserting husband or father is domiciled in England, the procedure usually adopted is to ask the Sheriff to grant a warrant for his apprehension. When arrested, he is brought before the Court and tried.

In Scotland the Judge is not authorised to make, at the instigation of the relief authority, an order upon a person to pay a fixed sum weekly or otherwise. The action of the relief authority is restricted to recovery of a debt or for the punishment of an offence. An order for future maintenance is given only at the instance of the person for whom the defender is liable.

In Scotland, as in England, there is no provision for enforcing a decree obtained for the repayment of a debt when the person has left the United Kingdom. Within the United Kingdom, the procedure is defined in the Summary Jurisdiction (Process) Act of 1881. We understand that the relief authorities in Scotland do not to any extent take action where sums have been expended by them on behalf of the dependants of persons who have removed to England or Wales.

It has been decided that a Scottish relieving authority cannot proceed in an English Court against a person living in England. But if it obtains decree in Scotland, it can enforce that decree in England under the provision of the above-mentioned Act.

Before expressing an opinion on the important question raised by the Governor of New Zealand, the Board thought it expedient to confer with the leading Inspectors of Poor, as those officials come into direct contact with the class of cases that would be affected by a system of reciprocity, and hence are better qualified than the Board to express an opinion on the proposed legislation.

It does not appear that the number of persons who have gone from Scotland to the Colonies, and whose wives and families have in consequence become chargeable as paupers, is very large, but it is said to be increasing. Each of the inspectors consulted by the Board had a number of cases on his register. It was affirmed generally that the type of person who, after emigration, allowed his dependants to become destitute was usually an undesirable citizen, and that he would be of as little benefit to his new country as he had been to that which he had left.

Besides deserting husbands and fathers, there is another class of emigrants who neglect their natural obligations. These are the sons of old and indigent parents. Had these sons remained at home, they would have been legally liable to support their parents. In the absence of their sons, the parents frequently become paupers.

The Board and the Inspectors of Poor considered very carefully the suggestion made by the English Local Government Board, *viz.*: That the trouble and expense involved by a system of reciprocity would probably outweigh any material benefit likely to be derived from such system. There is much to be said for this view; but, in our opinion, it places undue weight on the question of profit and loss in individual cases. We are quite of opinion that, were the benefit of reciprocity limited to the actual cases in which the law might be put into operation, the expense would be prohibitive. We think, however, that considerations of public policy outweigh the question of expense. We are satisfied that, when it becomes known that a man cannot escape his natural and legitimate liabilities by merely going to Canada, Australia, South Africa, or New Zealand, a great deterrent force will result. The real value of the change would lie in the fact that there existed an effective law which could at any moment be put into force. Our inspectors were unanimous on

this point, and we entirely agree with them. It was suggested that in no case should a relief authority seek to put the law into force without submitting the facts to the Local Government Board and obtaining their consent. We are prepared to accept this duty; and, if desired, to conduct the correspondence through the Colonial Office.

The question of cost will depend greatly upon the procedure to be adopted in dealing with defaulters. It is certain that a man unwilling to maintain his dependants will endeavour to find means of evading or of rendering difficult of execution any law which seeks to compel him to make regular contributions for the support of his dependants. We do not think that the existence of such a law, with its known limitations, would act as an effective deterrent on persons contemplating desertion.

What we feel would be of real value is power to handle such cases somewhat as they are handled in this country, *viz.*, by means of a quasi-criminal action. Even at present, this appears to be possible under the emigration laws in some of the Colonies.

The following case was cited to us: a man emigrated to Canada, leaving his wife unprovided for, in consequence of which she became chargeable as a pauper. A communication detailing the facts of the case having been sent to the Canadian authorities, steps were taken by the Canadian Government to deport the man to this country under an Ordinance which makes it possible for that Government to deport any undesirable person within a period of three years after his arrival.

We are of opinion that, if such a law were general, it would, to a large extent, meet the needs of the situation. For this purpose, however, the probationary period might be extended to five or even seven years. We are persuaded that no Colony would benefit by the retention of a person unwilling to fulfil his most elementary and natural obligations.

We do not anticipate that the home relieving authorities would seek to avail themselves of such a law in any but a small percentage of cases. Instances were cited to us, however, in which men had married bigamously in the Colonies and had had a second family. It is clearly in the interest of the Colonies that such cases should receive drastic treatment.

What we suggest, therefore, is that the relief authorities in Scotland should be empowered to obtain from the Sheriff a decree against any person whose absence in the Colonies has had the effect of pauperising those for whose support he was liable. This decree, together with a full narrative of the circumstances, should then be transmitted to the Local Government Board, who, if satisfied, after investigation, that the case is one which falls to be dealt with under the reciprocal law, should communicate with the Colonial Office, who in turn should make a representation to the Government of the Colony concerned. Finally, it should be in the discretion of the Colonial Government, after local investigation, to determine whether the defaulter should be deported back to this country or whether he should be called upon to give security for the regular transmission of funds to his dependants, &c.

In our opinion, the alternative to deportation should be adequate security for regular payments.

It is unlikely that a relief authority would desire to avail itself of the reciprocal law in cases of bastardy; but we do not think that such cases should be specifically excluded. The type of case we have in view is, where a Court having given decree against the admitted father of an illegitimate child, the said father has evaded the decree by emigrating.

We are prepared in turn to afford similar facilities to a Colonial Government that desired to take action against any person belonging to the Colonies who should have sought to evade his obligations by settling in Scotland. Of course, it is for the Colonial Governments themselves to state the form which they desire our intervention should take. We can, however, confidently affirm that no effort will be lacking on the part of the Scottish authorities to place their legal machinery at the disposal of the Colonies.

Local Government Board, Edinburgh.

11 February, 1911.

4520

No. 428.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 103.) (New Zealand. No. 56.)
 (Australia. No. 82.) (Newfoundland. No. 26.)
 (South Africa. No. 85.)

MY LORD,

SIR,

Downing Street, 17 February, 1911.

WITH reference to my despatch, No. [38], [25], [30], [17], [8], of the 20th of January,* I have the honour to transmit to [Your Excellency], [you], to be laid before your Ministers, copies of memoranda† regarding the resolution which the Prime Minister of New Zealand proposes to submit to the Imperial Conference on the subject of reciprocity as to the law relating to destitute persons.

4520

No. 429.

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD.

SIR,

Downing Street, 20 February, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 11th of January,‡ forwarding a memorandum in relation to the resolution which the Prime Minister of New Zealand proposes to submit to the Imperial Conference on the subject of reciprocity as to the law regarding destitute persons.

I am to transmit to you, to be laid before the Local Government Board, the accompanying prints of memoranda§ on the subject which have been received from the Home Office, the Local Government Board for Scotland, and the Local Government Board for Ireland, and to state that copies, together with copies of the memorandum prepared in your Department, were forwarded to the Governments of the self-governing Dominions by the mail of the 17th of February.||

Mr. Harcourt will be glad to learn that the President of the Local Government Board will be prepared to undertake the discussion of the New Zealand resolution at the Conference from all points of view.

I am, &c.,

H. W. JUST.

4520

No. 430.

COLONIAL OFFICE to BOARD OF TRADE.

[See Enclosure in No. 431.]

SIR,

Downing Street, 22 February, 1911.

WITH reference to the letter from this Department of the 20th of January,§ I am directed by Mr. Secretary Harcourt to request you to inform the Board of Trade that he would be glad to be furnished as soon as possible with any observations the Board may have to offer with regard to the resolution which the Prime Minister of New Zealand proposes to submit to the Imperial Conference on the subject of reciprocity as to the law relating to destitute persons.

I am, &c.,

H. W. JUST.

* No. 6 in [Cd. 5313]. † Enclosure in Nos. 423, 425, 426, and 427.
 ‡ No. 423. § Enclosure in Nos. 425, 427, and 426. || See No. 428. ¶ No. 424.

6942

No. 431.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 147.) (New Zealand. No. 77.)
 (Australia. No. 104.) (Newfoundland. No. 41.)
 (South Africa. No. 107.)

MY LORD,

SIR,

Downing Street, 3 March, 1911.

IN continuation of my despatch, No. [103] [82] [85] [56] [26], of the 17th of February,* I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, copies of a memorandum prepared by the Board of Trade on the subject of reciprocity in the law relative to destitute persons.

I have, &c.,

L. HARCOURT.

Enclosure in No. 431.

MEMORANDUM BY THE BOARD OF TRADE.

The object of the proposed mutual arrangements would appear to be to make the legislative provisions of the Mother Country as regards the recovery of the cost of maintenance of destitute persons operative in the Colonies, and *vice versa*.

So far as seamen liable for such cost are concerned, we have the cases of such seamen who leave the United Kingdom and locate themselves in a Colony, at which or from which they carry on their employment, and of seamen who leave a Colony and locate themselves in the United Kingdom, at which or from which they also carry on their employment.

So far as these classes of seamen are concerned (whether they obtain employment on shore or on a ship sailing from and back to the United Kingdom or a Colony as the case may be), they do not differ from ordinary persons who desert their wives and families, and the remarks of the Local Government Board as regards such persons apply equally to these seamen, and, assuming that an order for payment can, under the suggestions made by the Local Government Board, be validly obtained against such men, it probably would be advisable to consider whether the order should not be made binding on the employer (whether an employer of workers on shore or of seamen); in the latter case the order for payment would be in the nature of a compulsory allotment.

Except as hereinafter mentioned, the Board really have no power to attach seamen's wages. There is, however, a class of case in which parish authorities and other persons having claims on seamen's wages could have a chance of obtaining payment, *i.e.*, under Section 28, Subsection 8, last paragraph, of the Merchant Shipping Act, 1906, which deals with the wages of deserters or alleged deserters, but, after all, the sums capable of being recovered in such cases would not amount to very much, and, when recovered, would probably be soon exhausted. It is doubtful whether it would be really worth while for a parish authority in a Colony, or a person there having a claim on seamen's wages, to attempt to recover part of their wages which have been paid over under this Section in the United Kingdom or *vice versa*; the wages so paid over as a rule relate to the part earnings of a single voyage.

It might happen that some reimbursement could be obtained in cases where the seaman was tracked, but much time would probably elapse before this could be done, and it is doubtful whether the results would be commensurate with the time and expense involved.

The Sections of the Imperial Merchant Shipping Acts which call for consideration in connection with this question are Sections 182-183, Sections 186-194 of the Merchant Shipping Act, 1894 (as amended by Part IV. of the Merchant Shipping Act, 1906, Section 28 *et seq.*), and Sections 221, 231, and 232 of the Merchant Shipping Act of 1894.

2nd March, 1911.

* No. 428.

The Law of Conspiracy.

39645

No. 432.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.35 p.m., 4th January, 1911.)

TELEGRAM.

[Answered by No. 433.]

Your telegram 24th December,* Imperial Conference. It would facilitate consideration of resolution as to passing of laws as to conspiracy if your Government could indicate precisely what matters are within the scope of the Resolution and what cases of evasion of Commonwealth laws it is desired to obviate.—HARCOURT.

6510

No. 433.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27 February, 1911.)

(No. 19.)

SIR, Governor-General's Office, Melbourne, 18th January, 1911.
REFERRING to your cablegram of the 4th instant,† relative to the resolution which the Commonwealth Government proposes to submit to the Imperial Conference with respect to the law of conspiracy, I have the honour, at the instance of His Majesty's Prime Minister of the Commonwealth, to inform you that the primary reason for the resolution was to make it an offence against the laws of Hong Kong and Singapore to conspire to defeat the Immigration Restriction Act of Australia.

2. The Chief Justice of Hong Kong expressed the opinion that such conspiracy was not an offence against the law of that Colony. But the resolution is not limited to that class of cases; it is intended to apply generally and make unlawful any conspiracy involving a transgression of the laws of another part of the Empire relating to commerce, e.g., Pure Foods Acts, Secret Commissions Act, Customs and Tariff Acts, &c. The Prime Minister intimates to me that the growth of the inter-Imperial commerce makes it increasingly necessary that the commercial and other laws of each part should be made thoroughly effective.

I have, &c.,

DUDLEY,

Governor-General.

6510

No. 434.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 148.)

(New Zealand. No. 78.)

(South Africa. No. 108.)

(Newfoundland. No. 42.)

MY LORD,

SIR,

Downing Street, 3 March, 1911

WITH reference to my despatch No. [38] [30] [17] [8], of the 20th of January,‡ forwarding the Agenda for the Imperial Conference, I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, a copy of a despatch§ from the Governor-General of the Commonwealth of Australia on the

* No. 4 in [Cd. 5513].

† No. 432.

‡ No. 6 in [Cd. 5513].

§ No. 433.

subject of the resolution to be submitted by the Commonwealth Government at the Imperial Conference with respect to the law of conspiracy.

I have, &c.,

L. HARCOURT.

6510

No. 435.

THE SECRETARY OF STATE to THE GOVERNORS OF HONG KONG AND THE STRAITS SETTLEMENTS.

(Sent 1 p.m., 4 March, 1911.)

TELEGRAM.

[Answered by Nos. 436 and 437.]

Commonwealth Government proposing for discussion at Imperial Conference resolution in favour of passing of legislation in the Crown Colonies and throughout the Empire for prevention of acts of conspiracy to defeat or evade the laws of any part of the Empire, and it is stated that primary object of resolution is to make it an offence against the laws of Hong Kong and Singapore to conspire to defeat Immigration Restriction Act, Australia. Please consider matter and report fully to me sending summary by telegraph, if possible, whether such legislation desirable.—HARCOURT.

8397

No. 436.

STRAITS SETTLEMENTS.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 6.55 p.m., 14th March, 1911.)

TELEGRAM.

Your telegram, 4th March,* as to Australian resolution for Imperial Conference. I have ascertained from Governor-General of Australia that in the years 1908, 1909, and 1910 thirty-two Chinese were discovered attempting to enter Australia illicitly by steamer from Singapore. I have no particulars of cases referred to, but submit that numbers point to isolated attempts, not to conspiracy here. All ships to Australia from here call at Java ports, and Chinese may have shipped there, and any legislation here might be evaded by transfer to Java ports. There is no instance of one State or country calling on another to help in carrying out exceptional penal legislation. Policy of Australian Chinese legislation entirely repugnant to whole community here, European as well as Asiatic. Any measure such as indicated would be opposed violently by every member of Council, it would have to be forced through entirely by votes of Official Members, and would be followed by boycott of Australian trade here, which would be difficult to deal with. To prevent entry of Chinese into Australia is simple and easy, and it is difficult to know on what grounds this community can be asked to assist in task.—ANDERSON.

9439

No. 437.

HONG KONG.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12.20 p.m., 22nd March, 1911.)

TELEGRAM.

[Answered by No. 439.]

Advised that there is sufficient machinery to deal with offenders included in primary objects of resolution, but legislation will be introduced to have all doubt

* No. 435.

removed. Bill will be forwarded. With regard to proposed enactment throughout Empire, Colony willing to give all possible assistance workable scheme. Should be glad of details.—LUGARD.

9439

No. 438.

COLONIAL OFFICE to HOME OFFICE, BOARD OF TRADE, AND LOCAL GOVERNMENT BOARD.

[Answered by No. 440.]

SIR,

Downing Street, 27 March, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before [Mr. Secretary Churchill] [the Board of Trade] [the Local Government Board] a copy of the correspondence* noted in the margin with regard to the eighth resolution relative to the Law of Conspiracy proposed by the Government of the Commonwealth of Australia for discussion at the Imperial Conference. A copy of the resolution is contained in [Cd. 5513], page 9.

Mr. Harcourt would be glad to be furnished with any observations which [Mr. Churchill] [the Board of Trade] [the Local Government Board] may desire to offer on the subject.

I am, &c.,
C. P. LUCAS.

9439

No. 439.

HONG KONG.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 6.12 p.m., 28 March, 1911.)

TELEGRAM.

Your telegram 22 March.† If not done already, do not introduce Bill pending further instructions.—HARCOURT.

11210

No. 440.

LOCAL GOVERNMENT BOARD to COLONIAL OFFICE.

(Received 6 April, 1911.)

SIR,

Local Government Board, Whitehall, S.W., 5 April, 1911.

I AM directed by the Local Government Board to acknowledge the receipt of your letter of the 27th ultimo, No. 9439/1911,‡ and enclosures, respecting the eighth resolution with regard to the law of conspiracy proposed by the Government of the Commonwealth of Australia for discussion at the Imperial Conference, and to state, for the information of Mr. Secretary Harcourt, that the Board would not desire to offer any observations on the subject.

I am, &c.,
WALTER T. JERRED,
Assistant Secretary.

* Nos. 432, 433, and 435-7.

† No. 437.

‡ No. 438.

13039

No. 441.

STRAITS SETTLEMENTS.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 22 April, 1911.)

(No. 127.)

SIR,

Government House, Singapore, 28th March, 1911.

REFERRING to my telegram of the 14th instant,* on the subject of the resolution proposed by the Commonwealth Government for discussion at the Imperial Conference, I have the honour to state that the figures of attempts to enter Australia given in my telegram were supplied by the Governor-General in reply to a message from me enquiring what the numbers were during the last three years.

2. I have since received replies from the agents of the various lines trading between this Colony and Australian ports, and from them I gather that there must be some mistake in the figures furnished to me by Lord Dudley.

3. Only three cases can be traced by the agents: one, a case where nine Chinese stowaways were found on the steamship "Paroo," belonging to the West Australian Steam Navigation Company, Limited, which left here on 10th February, 1909, for Broome and West Australian ports via Soerabaya; and the other two both occurred in the case of the steamship "Charon," belonging to the Ocean Steamship Company, eleven stowaways being found on board that vessel in April, 1909, and four on the same steamer in November, 1910.

4. Three attempts in three years, and a total of twenty-four persons involved, do not point to the existence of any conspiracy. Only one case occurred last year, and every effort is made by the agents and officers of the ships to prevent stowing away in view of the enormous penalties to which they are subjected if Asiatics are found on board in Australian waters.

5. I may state, further, that in July, 1909, this Government issued a notice which was circulated as widely as possible amongst the Chinese warning them that they were not permitted to enter Australia, and, of course, stowaways are liable to a fine of 200 dollars or four weeks' imprisonment.

6. Now the ships of the West Australian Line and Burns, Philp, and Company are fumigated and carefully searched for stowaways before their departure from this port. I am quite prepared to ask the Legislature to increase the penalty for stowing away, but for the reasons stated in my telegram of the 14th instant.* I would deprecate any legislation directly associating this Colony with the Australian policy in regard to Chinese.

I have, &c.,
JOHN ANDERSON.

13129

No. 442.

HONG KONG.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 22 April, 1911.)

(No. 106.)

SIR,

Government House, Hong Kong, 30th March, 1911.

I HAVE the honour to acknowledge the receipt of your telegram of 4th instant,† relating to the proposed resolution of the Commonwealth of Australia at the forthcoming Imperial Conference in regard to legislation throughout the Crown Colonies and the Empire to prevent acts of conspiracy to defeat the laws of any part of the

* No. 436.

† No. 435.

Empire and to confirm my reply to you by telegraph on the 22nd instant* as follows:—

Advised that there is sufficient machinery to deal with offenders included in primary object of resolution, but legislation will be introduced to have all doubt removed: Bill will be forwarded. With regard to proposed enactment throughout Empire, Colony willing to give all possible assistance to workable scheme. Should be glad of details.

I have also received your telegram of the 28th instant,† which was as follows:—

Your telegram of 22nd.—If not done already do not introduce Bill pending further instructions.

2. I enclose a Report by the Attorney-General on the subject in which he advises that there is sufficient machinery for dealing with the offence involved in the primary object of the resolution; but to place the matter beyond doubt he submits a Bill, which I enclose, to amend the Chinese Emigration Ordinance, 1889, which will enable the Court to deal with persons who traffic in the identification papers of returned emigrants from Australia and other places and who are thereby enabled to evade the Immigration Restriction Laws of such places.

3. With regard to the proposed enactment throughout the Empire, I have to assure you that this Colony will gladly co-operate in any workable scheme that may be agreed upon at the Imperial Conference, and I await your instructions as to the lines on which the proposed legislation is to be framed.

4. I assume that the general principle would be that if any Dominion or Colony of the Empire had reason to believe that a conspiracy existed in another Colony to defeat or render inoperative one of its laws, it would notify that particular law to the Colony in which the conspiracy was suspected to exist, and that the latter Colony, under an Enactment applicable to the whole Colonial Empire, would then notify the law in question and declare that any conspiracy to defeat it would become an offence and could be dealt with by the Courts of the Colony in which the conspiracy was alleged to be taking place.

I have, &c.,

F. D. LUGARD,

Governor, &c.

Enclosure 1 in No. 442.

REPORT of the ATTORNEY-GENERAL in reply to the telegram of the SECRETARY OF STATE of 4th March, 1911, in relation to the proposed Colonial Legislation against conspiracy to defeat the laws of any part of the Empire.

1. Evidently the words "laws for any person" are to be read into the telegram of the Secretary of State after the word "Singapore."

2. In reference to the subject of stowaways, Chinese emigration is regulated by Ordinances No. 1 of 1889, No. 34 of 1902, No. 13 of 1904, and No. 4 of 1908, and by the Stowaways Ordinance, 1903 (No. 5 of 1903): Every person found on board any ship with intent to obtain a passage therein without the consent of the owner, charterer, agent, master, or other person in charge thereof, and the aiders and abettors of such persons are liable to heavy penalties. We can, therefore, get at anyone who conspires with another to evade or defeat the Immigration Restriction Act of Australia, provided he succeeds in getting the stowaway on board, by charging him with aiding and abetting under the last-mentioned Ordinance; and if he does not get the stowaway on board we can, I think, try him at common law for conspiracy to cheat the steamship company.

In the case of any one of the ship's officers being a party to the conspiracy, it is obvious that he can be dealt with in Australia, and the Immigration Restriction Act, 1908, of Australia makes the owners, agents, and charterers of the vessel liable for bringing stowaways into the Commonwealth.

3. In a case tried here in 1904, the Court held that there was no power to convict persons for conspiring here to evade the Immigration Laws of Australia, and the Chief Justice gave as his opinion that no indictment would lie for the conspiracy to defraud the steamship company, as there was no intention to evade payment of the fares; but I am of opinion that had proceedings been taken at Common Law for conspiring to commit a crime made punishable by Section 78 of

* No. 437.

† No. 439.

Ordinance 5 of 1865 they would have been successful. That section makes a person guilty of felony "who falsely and deceitfully personates any person with intent fraudulently to obtain any . . . chattel."

Now, it is clear that those who purchase the naturalization papers of others "falsely and deceitfully personate with intent fraudulently to obtain" a passage ticket which would not otherwise be granted; for, presumably, a steamship company would not grant a passage ticket to any person if they knew or believed that he was not possessed of genuine naturalization papers, as such person, if detected, would be refused admission to Australia and the steamship company would at least run the risk of having to bring him back to his port of embarkation, and would presumably also get into trouble with the Australian authorities. I have no direct knowledge of the Australian statutes.

The brokers could have been indicted either as accessories before the fact to the felony or, as I have pointed out, for conspiring to commit a crime punishable by law—a distinct offence from conspiring to cheat and defraud, the appropriate charge in the case of stowaways, as I have already stated.

4. We have, therefore, it is submitted, sufficient machinery, both in the case of stowaways and in that of personation and aiding and abetting in the same, for dealing with the offence involved in "the primary object of the resolution"; but to place the matter beyond doubt, I submit a short Bill to amend Ordinance 1 of 1889, which will make it practicable, I think, to deal with persons who buy up the identification papers of returned emigrants from Australia and other places and sell them again to others, who are thereby enabled to evade the Immigration Restriction Laws of such places.

5. As for the larger question of making it an offence to conspire to evade the laws generally of any part of the Empire it is difficult to advise on the abstract question in the absence of information as to the form of the proposed legislation, but this Colony will gladly co-operate in any feasible scheme which the Imperial Conference can devise. The details of such legislation will doubtless engage the attention of the Imperial Conference and will then be communicated to the Crown Colonies.

W. REES DAVIES.

25th March, 1911.

Enclosure 2 in No. 442.

AN ORDINANCE to amend the Chinese Emigration Ordinance, 1889.

Be it enacted, &c., &c.

1. This Ordinance may be cited as "The Chinese Emigration Amendment Ordinance, 1911," and shall be read and construed as one with the Chinese Emigration Ordinance, 1889 (hereinafter called the Principal Ordinance) and with the Ordinances amending the same, and this Ordinance and the said Ordinances may be cited together as "The Chinese Emigration Ordinances, 1889-1911."

2. Section 65 of the Principal Ordinance is hereby amended by the insertion of the figure (1) at the beginning of the section and by the addition of the following sub-section:—

"(2) Every person who falsely and deceitfully personates, or aids and abets in falsely and deceitfully personating any other person, whether with or without the consent of the person personated, with the intention that the personator shall emigrate from the Colony, shall be guilty of a misdemeanour, and shall on summary conviction before a Magistrate be liable to a penalty not exceeding two hundred and fifty dollars, or to imprisonment with or without hard labour for any term not exceeding six months, or to both."

Objects and Reasons.

The amendment of the Principal Ordinance makes it easy for the authorities to deal with persons, who buy up the identification papers of returned emigrants from Australia and other places and sell them again to others, who are thereby enabled to evade the Immigration Restriction Laws of such places.

Short title and construction.

Amend Section 65 of Ordinance No. 1 of 1889.

11210

No. 443.

MR. L. HARCOURT to THE LORD CHANCELLOR.

DEAR LORD CHANCELLOR,

Downing Street, 26 April, 1911.

AMONG the agenda for the Imperial Conference is a proposal by the Government of the Commonwealth of Australia with regard to the law of conspiracy.

Telegram to Governor-General, Australia, 4th January.

Governor-General, Australia, No. 19, 18th January.

Telegram to Governors, Hong Kong and Straits Settlements, 14th March.

Governor, Straits Settlements, Telegram, 14th March.

Governor, Hong Kong, Telegram, 22nd March.

You will see the terms of the resolution in the accompanying Parliamentary Paper [Cd. 5513], page 9, and some further information is given in the accompanying papers.*

I have ascertained that the Home Office and the Board of Trade both consider that the question is one which will be more satisfactorily dealt with by yourself than it could be either by the Home Secretary or the

President, and I should be very glad if you would undertake to deal with the matter when it comes on at the Conference.

Yours, &c.,

L. HARCOURT.

18129

No. 444.

MEMORANDUM ON THE RESOLUTION OF THE COMMONWEALTH OF AUSTRALIA WITH REGARD TO THE LAW OF CONSPIRACY.

The eighth of the resolutions for discussion at the Imperial Conference by the Commonwealth Government is as follows:—

"That the members of this Conference recommend to their respective Governments the desirableness of submitting measures to Parliament for the prevention of acts of conspiracy to defeat or evade the laws of any other part of the Empire; that the Imperial Government make similar representations to the Governments of India and the Crown Colonies."

In view of the indefinite character of this resolution it was deemed desirable to send a telegram to the Governor-General stating that it would facilitate consideration of the resolution if the Commonwealth Government could indicate precisely what matters were within the scope of the resolution and what cases of evasion of the laws of the Commonwealth it was desired to obviate.

To this telegram, which was sent on the 4th of January, the Governor-General replied in a despatch of the 18th of January in which he stated that the primary reason for the resolution was to make it an offence against the laws of Hong Kong and Singapore to conspire to defeat the Immigration Restriction Act of Australia, the Chief Justice of Hong Kong having expressed the opinion that such conspiracy was not an offence against the law of that Colony. But the resolution was not limited to that class of cases, but was intended to apply generally and to make unlawful any conspiracy involving a transgression of the laws of another part of the Empire relating to commerce, *e.g.*, Pure Foods Acts, Secret Commissions Act, Customs and Tariffs Acts, &c. The growth of inter-Imperial commerce made it increasingly necessary that the commercial and other laws of each part should be made thoroughly effective.

On the receipt of this despatch telegrams were addressed to the Governors of Hong Kong and the Straits Settlements, asking for a full report whether legislation was, in their opinion, desirable to prevent acts of conspiracy to defeat the Immigration Restriction Act of Australia.

Replies by telegram and despatch have been received from both Governments. The Governor of the Straits reports that during the last three years, 1908, 1909, and 1910, according to figures given to him by the Governor-General of the Commonwealth, 32 Chinese have been discovered attempting to enter Australia illicitly by steamer from Singapore. He has, however, received replies from the Agents of the steamship lines which trade from the Colony to Australian ports and only three cases can be traced, involving altogether 24 stowaways. Only one of these cases

occurred in 1910, and every effort is already made by the agents and officers of the ships to prevent stowing away in view of the heavy penalties to which they are subjected if Asiatics are found on board in Australian waters.

A notice was circulated in July, 1909, among the Chinese of the Colony warning them of the restrictions on the immigration of Chinese into Australia. Stowaways are liable to a fine of 200 dollars or four weeks' imprisonment, and the Governor is prepared to ask the Legislature to increase the penalties for stowing away; but he points out that the policy of Australia in excluding Chinese is entirely repugnant to the whole community, European as well as Asiatic.

Any measure directly aimed at making criminal an attempt to evade the Australian Immigration Act would be opposed by the Legislative Council, would be forced through by the votes of Official Members, and would be followed by a boycott of Australian trade at Singapore with which it would be difficult to deal. It should not be forgotten that a boycott of Australian trade might easily develop into a boycott of British trade, a state of affairs of which the numerous and influential body of foreign merchants in Singapore would not be slow to take advantage. Moreover, any legislation in Singapore might be evaded by a transfer to Java ports, as all ships to Australia from Singapore call at Java ports.

The Governor of Hong Kong reports that, in the opinion of his Attorney-General, there already exists sufficient legislation to deal with the offence of conspiring to evade the Immigration Restriction Act of Australia. He states that in 1904 it was held by the Supreme Court that there was no power to convict persons for conspiring in Hong Kong to evade the Immigration Laws of Australia, and the Chief Justice gave it as his opinion that no indictment would lie for the conspiracy to defraud the steamship company, as there was no intention to evade payment of the fares. The Attorney-General is, however, of opinion that proceedings could have been taken at Common Law for conspiring to commit a crime made punishable by Section 78 of Ordinance 5 of 1865, which makes a person guilty of felony "who falsely and deceitfully personates any person with intent fraudulently to obtain any . . . chattel." This section would, in his opinion, make it criminal to purchase the naturalization papers of another person (this being one method of evading the Immigration Law of Australia, as persons naturalized in Australia are exempt in certain circumstances from the Immigration Law).

Moreover, in the case of offences by stowing away, adequate penalties are provided for the stowaway and for persons aiding and abetting him in stowing himself away. The Attorney-General, however, has suggested the passing of special legislation to make the position perfectly clear.

The Governor states also that the Colony would gladly co-operate in any workable scheme for a general law which may be agreed upon at the Imperial Conference. He has been informed that the proposed Bill with regard to fraudulent emigration should not be brought forward for the present.

The proposed resolution has been communicated to the Home Office, the Board of Trade, and the Local Government Board. The Local Government Board have no observations to make, but no replies have yet been received from the Board of Trade or the Home Office.

It is presumed that in any case His Majesty's Government could not undertake to carry through Parliament a law which would make it a criminal offence to conspire to evade any of the laws regarding commerce of a self-governing Dominion or a Colony. His Majesty's Government have in practice ceased to exercise any control over legislation of the Dominions in commercial matters, and they could not accept the responsibility of approving of all such legislation to the extent of making a conspiracy to evade any such legislation criminal.

On the other hand, His Majesty's Government will, no doubt, be willing to consider whether legislation would be appropriate in any definite set of circumstances, and, in particular, presumably the offer of Hong Kong to legislate, as suggested by the Attorney-General, and of the Straits Settlements to increase the penalties of stowing away may be accepted.

Colonial Office,

28th April, 1911.

* Nos. 432, 433, and 435-437.

26.

Uniformity and Reciprocity in Accident Compensation Law.

34799

No. 445.

COLONIAL OFFICE to HOME OFFICE.

[See Enclosure in No. 447.]

SIR,

Downing Street, 24 November, 1910.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary Churchill, the accompanying extract from a telegram from the Governor of New Zealand on the subjects which the New Zealand Government desire to discuss at the Imperial Conference of 1911.

2. Mr. Harcourt would be glad to receive any observations which Mr. Churchill may have to make on the question of uniformity in the law as to compensation for accidents.

I am, &c.,

C. P. LUCAS.

Enclosure in No. 445.

* (14.) Uniformity and reciprocity in accident compensation law."

36582

No. 446.

COLONIAL OFFICE to HOME OFFICE.

[See Enclosure in No. 447.]

SIR,

Downing Street, 6 December, 1910.

IN continuation of the letter from this office of the 24th November,* I am directed by Mr. Secretary Harcourt to request you to inform Mr. Secretary Churchill that a telegram has been received from the Governor of New Zealand giving the following text of the Resolution which is to be moved by his Ministers at the Imperial Conference of 1911 with regard to the uniformity of the law with regard to compensation for accidents:—"That it is in the best interests of the Empire that there should be uniformity throughout its centres in the law of accident compensation."

*2. I am to say with reference to the second paragraph of the letter above mentioned that it would be most useful if any observations which Mr. Churchill may have to offer could be thrown into the form of a memorandum, which could be forwarded so as to reach the Prime Ministers of the Dominions in good time before they start for the Conference—i.e., about the middle of April next.

I am, &c.,

C. P. LUCAS.

5232

No. 447.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 23.)

(New Zealand. No. 62.)

(Australia. No. 88.)

(Newfoundland. No. 29.)

(South Africa. No. 96.)

MY LORD,

SIR,

Downing Street, 23 February, 1911.

WITH reference to my despatch No. [38] [25] [30] [17] [8] of the 20th of January,† I have the honour to transmit to [Your Excellency] [you]

* No. 445.

† No. 6 in [Cd. 5513].

to be laid before your Ministers, copies of a memorandum which has been prepared by the Home Office on the subject of the resolution which is to be moved at the Imperial Conference by the New Zealand Government in favour of uniformity throughout the Empire in the law of accident compensation.

2. This memorandum will conveniently form a basis for the discussion at the Conference.

I have, &c.,

L. HARCOURT.

Enclosure in No. 447.

MEMORANDUM BY THE HOME OFFICE.

The New Zealand Government propose to move a resolution at the Imperial Conference that there should be uniformity and reciprocity throughout the Empire in the law of workmen's compensation.

The Home Office presume by uniformity is meant, not identity of legislation, but the acceptance of the same general principles as the basis of legislation. Identity of legislation would be very difficult to establish, and still more difficult to maintain without the existence of some Imperial legislative assembly; and even if such a council existed, the wide diversity of industrial and social conditions and the administrative and legal machinery in the different parts of the Empire makes it doubtful whether identity of legislation would be either practicable or desirable. For example, differences in the cost of living and rate of wages would necessarily be reflected in the maximum and minimum amounts of compensation fixed by the Act; in the New Zealand Act the minimum and maximum amounts for compensation in case of death are £200 and £500, as compared with £150 and £300 in the British Act. Or again, the conditions in some countries might make it unnecessary and even impracticable to make provision for compensation in cases of industrial disease. Or again, the methods adopted for the settlement of disputes, medical examination, &c., would naturally be adjusted to the legal and administrative machinery of the particular State. It is found, for instance, on comparison of existing Acts, that while the British Act has adopted a system of arbitration, in the Newfoundland and New South Wales Acts preference is shown for the Courts of Law in which all proceedings have to be taken. Or again, under the industrial diseases section of the British Act of 1906 a certificate of disablement is required from a certifying surgeon before compensation is payable, and the certifying surgeon's decision is subject to appeal to a medical referee, while the New Zealand Act does not provide any special procedure in the matter.

It may be noted also that the question of compulsory insurance, whether by a State system or otherwise, is being raised in this country, and will come up for consideration before very long. This is a matter that would have to be left to each country to settle as its own social and industrial conditions may seem to require.

Assuming, however, that by uniformity is meant that each State should adopt legislation based on the same general principles, His Majesty's Government think that such uniformity in the matter of workmen's compensation legislation, and, indeed, in regard to industrial legislation generally where the same needs have to be provided for, is desirable, and would welcome any steps that could be taken to that end.

In the case of workmen's compensation, the general principles on which the legislation in the United Kingdom is now based (i.e., the Workmen's Compensation Act, 1906) are as follows. (It is not necessary to take into account the Employers' Liability Act, 1880. It is now seldom used and may be regarded as superseded by the later workmen's compensation legislation, which, even in the cases to which the Act of 1889 applies, affords a simpler and cheaper method of recovery of compensation):—

- (1) Compensation to be given for all accidents arising out of, and in the course of, the employment and causing disablement for a specified minimum period, irrespectively of negligence on the part of the employer or his servants.
- (2) Amount of compensation to be based on wages earned to be proportioned to loss of earning power and to be subject to a definite maximum, the employer being thus able to estimate the extent of his liability.

- (3) Cheap and simple method of settling claims.
- (4) Determination of medical questions by medical men.
- (5) No contracting out except under an approved scheme.

These principles have already been accepted by several of the self-governing Dominions (*e.g.*, New Zealand, Newfoundland, and several of the Australian States), and their laws are largely based on the British Acts of 1897 and 1906.

It is true that none of the Dominion Acts (not even that of New Zealand, which has gone further than any other Dominion Government) have such a wide application as the British Act of 1906, and it may be a question for consideration how far the circumstances of younger countries make it desirable to follow that Act in extending the principle to employees outside the industrial sphere.

Whether it may be possible to go further and reach a certain measure of uniformity in the detailed application of these general principles in the different States is a question which His Majesty's Government would be glad to see discussed. There are three points of detail, however, on which uniformity appears to His Majesty's Government specially desirable:

(1) *Seamen*.—They suggest that provision should be made by which compensation will be payable for all accidents happening to *British* subjects employed as seamen on any *British* or *Colonial* ships.

The British law provides for compensation to all seamen (whether British subjects or aliens) provided they are workmen within the meaning of the Act, and are members of the crew of any ship registered in the United Kingdom, or of any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner or director resides or has his principal place of business in the United Kingdom. There is no condition as to the place in which the accident happens. Compensation is payable no matter in what part of the world the seaman may be injured. Colonial seamen shipping on *British* ships are, therefore, provided for in our legislation.

The provisions of the law on the subject of seamen's compensation in the self-governing Dominions are set out in the attached note. It will be observed that only Australia (Commonwealth Act of 1909) and New Zealand (Workers' Compensation Act of 1908) have any special provision in the matter. The Australian Act applies to ships registered in the Commonwealth when engaged in coasting trade or in trade with other countries, and to any ships, whether British or foreign, engaged in the coasting trade, if the seamen have been shipped under articles of agreement entered into in Australia. The New Zealand Act applies to any ship registered in New Zealand, and (to put it shortly) any ship owned by a person or body having its principal place of business in New Zealand. Under both Acts compensation seems to be payable, no matter where the accident happens, but while the Australian law makes no distinction between dependants living in the country and those residing outside the country, the New Zealand law includes only those dependants who were domiciled or resident in New Zealand at the time of the accident.

The Cape of Good Hope has legislation on the subject of workmen's compensation for accidents which appears to entitle seamen to compensation, but only if employed upon or within the territorial waters of the Colony.

The other self-governing Dominions have no law at all on the subject.

If legislation on the subject is to be introduced on uniform lines in all the self-governing Dominions, some provision would be necessary (such as appears in 5 (e) of the Australian Act) to prevent double claims for compensation.

(2) *Reciprocity*.—The British law applies to workmen, without distinction of race or nationality. In two cases (*i.e.*, New Zealand and New South Wales) the laws discriminate against dependants residing outside the country, while the Queensland law includes only dependants residing in Australia or New Zealand. The New Zealand Act, however, provides that where by the law of any other country within the dominions of the Crown compensation is payable to dependants of a deceased worker who are resident in New Zealand, an Order in Council may be made declaring that dependants resident in such other country shall have the same rights and remedies as if resident in New Zealand. Under this provision an Order in Council has been made applying it to the United Kingdom, Queensland, and Western Australia. His Majesty's Government suggest that the principle should be accepted

of admitting to the full benefits of the compensation legislation dependants of British subjects wherever residing.

Another question which it might be desirable to consider is whether the compensation legislation should discriminate against aliens and their dependants. The United Kingdom has adopted the policy of placing aliens and the dependants on exactly the same footing in this matter as British subjects. Some European countries, *e.g.*, Italy, do the same. Other European countries exclude non-nationals partially or wholly, though some, *e.g.*, Germany, France, and Sweden, while excluding them, reserve power to grant equal privileges to the subjects of other countries giving reciprocal rights in this matter. France and Sweden have exercised this power in favour of the United Kingdom.

The question is one for determination according to the special needs and circumstances of each State, but His Majesty's Government suggest that it would be expedient, if the principle of discrimination is adopted, to reserve power to concede full privileges to the subjects of other countries giving reciprocal rights.

(3) *Statistics*.—His Majesty's Government would lay some stress on the importance of uniformity throughout the Empire in regard to statistics on the subject of workmen's compensation and industrial accidents generally. The British Act and one or two of the Colonial Acts on workmen's compensation make some provision for the collection of statistics. They suggest for consideration whether steps can be taken in the direction of establishing a uniform system both of collection and of tabulation.

17 February, 1911.

WORKMEN'S COMPENSATION.

PROVISIONS IN LAWS OF SELF-GOVERNING DOMINIONS AFFECTING SEAMEN.

1. CANADA.

(The Canadian Statutes on Workmen's Compensation, &c., are printed as an Appendix to the 8th Edition of Ruegg's "Employers' Liability and Workmen's Compensation." (Butterworth & Co.)

(a) Ontario.

Employers' Liability Law only. Seamen not mentioned.

(b) Quebec.

The Act of 1909 provides that "accidents happening by reason of or in the course of their work to workmen, apprentices, and employees . . . engaged in any transportation business by land or by water, or in loading or unloading . . . shall entitle the person injured or his representatives to compensation . . ."

This Act shall *not* apply to navigation by means of sails.

(c) Nova Scotia.

Employers' Liability Law only. Seamen not mentioned.

(d) New Brunswick.

Seamen excluded.

(e) British Columbia.

No provision as to seamen.

2. COMMONWEALTH OF AUSTRALIA.

A special Act was passed in 1909. This Act has been pronounced *ultra vires* by the High Court of the Commonwealth and its provisions are not at present in force.

3. NEW ZEALAND.

Section 11 of the New Zealand Act of 1908 enacts:—

- (1) This Act applies to all accidents happening in New Zealand, but does not apply to accidents happening elsewhere than in New Zealand, except in the cases hereinafter in this section mentioned.
- (2) This Act applies to accidents happening on board a New Zealand ship, as defined in this section, in an employment to which this Act applies, wherever that ship may be at the time of the accident.
- (3) This Act applies to accidents which happen to a seaman employed on a New Zealand ship, as defined in this section, in any employment to which this Act applies, whether the accident happens in New Zealand or elsewhere, or on board the said ship or elsewhere.

(4) In this Act the term "New Zealand ship" means—

(a) Any ship which is registered in New Zealand under the Shipping and Seamen Act, 1908:

(b) Any ship which is owned by a body corporate established by the laws of New Zealand, or having its principal office or place of business in New Zealand, or any ship which is in the possession of any such body corporate by virtue of a charter:

(c) Any ship which is owned by any person or body corporate whose chief office or place of business in respect of the management of that ship is in New Zealand, or any ship which is in the possession of any such person or body corporate by virtue of a charter:

(d) Any ship which is owned by the Crown in respect of the Government of New Zealand or which is in the possession of the Crown in that respect by virtue of a charter.

(5) For the purposes of this Act an accident shall be deemed to happen in New Zealand if it happens in any harbour thereof within the meaning of the Shipping and Seamen Act, 1908, or within the marginal or other waters of New Zealand, and shall be deemed to happen out of New Zealand if it happens elsewhere.

(6) Any sum payable by way of compensation under this Act by the owner of a ship shall be paid in full, notwithstanding anything contained in section two hundred and ninety-five of the Shipping and Seamen Act, 1908.

Seaman is defined in Section 2 thus:—

"Seaman" means any worker employed as a master, officer, seaman, apprentice, or in any other capacity whatever on board a ship by the owner or charterer thereof.

"Ship" by the same section, means any ship, vessel, boat or other craft.

"Partial dependants" and "Total dependants" are defined so as to include only "Such of the relatives of a worker as were domiciled or resident in New Zealand at the time of the accident which caused his death."

4. SOUTH AFRICA.

(a) *Cape of Good Hope.*

Section 4 of the Act of 1905 defines "workman" as "anyone employed in the Colony or the territorial waters thereof" and "work" as "employment in any trade, business or public undertaking in the Colony, on land, or upon or within the territorial waters of the Colony."

Some employments—not including that of seamen—are expressly cut out. The definition of dependants does not exclude aliens or non-residents. Apparently, therefore, seamen, and their dependants out of the Colony, are included.

(b) *Natal.*

Employers' Liability Law only. Seamen not mentioned.

5. NEWFOUNDLAND.

No provision as to seamen.

5232

No. 448.

COLONIAL OFFICE to HOME OFFICE.

SIR,

Downing Street, 6 March, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 17th of February,* enclosing a memorandum on the resolution which it is proposed to be moved at the Imperial Conference by the Government of New Zealand in favour of uniformity throughout the Empire in the law of accident compensation.

I am to transmit to you, for the information of Mr. Secretary Churchill, three printed copies of the memorandum, which has been circulated to the Governments of the self-governing Dominions.

I am, &c.,
C. P. LUCAS.

* Transmitter of enclosure in No. 447.

27.

Uniformity in the Law respecting Alien Immigration and Exclusion.

33156

No. 449.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Home Office, 19 November, 1910. L.F.]

(Canada. No. 849.)

(New Zealand. No. 269.)

(Australia. No. 437.)

(Newfoundland. No. 202.)

(South Africa. No. 295.)

MY LORD,

Downing Street, 18 November, 1910.

SIR,

I HAVE the honour to request [Your Excellency] [you] to inform your Ministers that the Secretary of State for Home Affairs desires to bring before the Imperial Conference the question of the deportation of undesirable aliens from the self-governing Dominions.

2. I enclose, for the information of your Ministers, copies of a memorandum on the subject which has been prepared in the Home Office, and I should be glad if you will invite the earnest consideration of your Ministers to the question raised in this memorandum.

I have, &c.,

L. HARCOURT.

Enclosure in No. 449.

MEMORANDUM re THE DEPORTATION OF UNDESIRABLE ALIENS FROM THE SELF-GOVERNING DOMINIONS.

It is suggested by the Home Secretary that the question of the deportation of undesirable aliens from the self-governing Dominions should be discussed by the Imperial Conference. The question is one of general interest, since powers in regard to the deportation of undesirables are possessed by the Governments of the Commonwealth of Australia, Canada, and South Africa, though in practice at present it mainly concerns Canada and South Africa.

Under the Canadian Immigration Act of 1910, the Canadian authorities have power to deport certain specified classes of aliens at any time within three years of their arrival, and any alien so deported must be carried by the same transportation company which brought him to Canada "to the place in the country whence he was brought or to the country of his birth or citizenship" (Section 45). Under the first alternative an alien who had sailed to Canada from a British port—and this applies to the majority of aliens who land in Canada—and was subsequently deported from Canada would be sent back (as has been the case hitherto) to the British port whence he sailed; and under the second alternative—which constitutes an addition to previous legislation on the matter—it seems certain, though the means by which a deported alien is to be conveyed to the country of his birth or citizenship is not defined in any way, that in the majority of cases the alien would, in the first instance, be sent to a British port.

The Union of South Africa, under certain of the laws of the South African Colonies still in force, has power to deport undesirables at any time, and as the shipping lines from England are the principal means of communication with Europe and America, the great majority of persons deported from South Africa are brought to British ports. With regard to aliens so deported, an arrangement was made semi-officially with the late Government of Cape Colony (through the ports of which pass almost all persons deported from the Union) by which notice of all deportations is sent as long beforehand as possible to the Inspector under the Aliens Act at the Home Office. This arrangement is still in force, and the Cape authorities have further given an indemnity to the Union Castle line, who carry the deported aliens, to cover all expenses which that company may incur in securing or trying to secure their departure from the United Kingdom for their proper destinations. The latter part of the scheme is purely voluntary and depends

entirely for its success upon the zeal and goodwill of the shipping company. The late Governments of the Transvaal and Natal also undertook to give similar notice of deportations from their territories, though most of the persons concerned would in due course pass through Cape ports.

On the arrival of these deported aliens in the United Kingdom the matter comes in some degree within the operation of the Imperial Aliens Act, 1905, under which, in certain circumstances, certain classes of undesirable aliens may be refused leave to land in the United Kingdom.

The passenger-carrying lines from Canada and South Africa have been granted exemptions from inspection under the Aliens Act on entering into bonds with the Secretary of State, one of the conditions of which is that no undesirable aliens shall be landed in the United Kingdom except for the purpose of transit. Deported aliens come within the terms of this provision, and it consequently rests with the shipping companies concerned to see that they leave the United Kingdom. This is often a task of considerable difficulty, and the pressure which is sometimes necessary to secure that the companies fulfil their obligations is not always successful, as is shown by the appended figures of deportations from Canada and South Africa during the years 1907-1909.

At the best, present conditions involve the keeping of a very careful watch on this traffic—for which purpose the above-mentioned arrangement with the late Governments of Cape Colony, the Transvaal, and Natal is useful so far as it goes—and there is always the risk that the Mother Country may be burdened with aliens sent to her by the Dominions who will be a detriment to the public, either from their character or from disease.

It would be open to the Home Secretary to cancel the bonds above referred to so far as deported aliens are concerned and to have such aliens submitted to inspection, with the almost certain result that they would be refused leave to land in the United Kingdom. But this would create a very difficult situation, and the Home Secretary is of opinion that it would be better if the Dominions would consider, with regard both to their legislation and to their administration in the matter of deporting aliens, whether they cannot make, or co-operate in, such arrangements as will save the Mother Country from the difficulties and risks to which she is now exposed, and will relieve her to some degree from the effort to protect herself from the consequences of the procedure in the Dominions. It will be remembered that the Imperial Government does not send undesirables from the United Kingdom to the Dominions or Colonies.

Home Office,

31 October, 1910.

Appendix.

RETURN OF ALIENS DEPORTED FROM BRITISH COLONIES TO THE UNITED KINGDOM.

Date of Arrival in United Kingdom.	Whence Deported.	Cause of Deportation.																	
		Insane, &c.		Tuberculosis.		Other Medical grounds.		Public Charge.		Crime.		Other Causes.		Accompanying Deported Aliens.		Total.			
		Traced out of the United Kingdom.		Traced out of the United Kingdom.		Traced out of the United Kingdom.		Traced out of the United Kingdom.		Traced out of the United Kingdom.		Traced out of the United Kingdom.		Traced out of the United Kingdom.		Traced out of the United Kingdom.			
		Of men.	Total.	Of men.	Total.	Of men.	Total.	Of men.	Total.	Of men.	Total.	Of men.	Total.	Of men.	Total.	Of men.	Total.		
1907	British North America.	12	4	10	5	3	2	10	1	11	24	2	26	1	1	2	2	71	
1907	British South Africa.	—	—	—	—	—	—	—	—	—	—	—	—	2	2	6	1	9	
1908	British North America.	33	2	35	6	2	8	35	7	42	176	11	187	9	1	10	13	306	
1908	British South Africa.	—	—	—	—	—	—	—	—	—	1	—	1	11	—	11	1	10	
1909	British North America.	13	1	14	5	—	5	31	4	35	51	1	52	14	3	17	—	139	
1909	British South Africa.	—	—	—	—	—	—	—	—	—	1	1	2	33	8	40	—	40	
Total for 1907-09 ..		68	7	75	16	4	15	76	12	88	203	15	218	38	10	48	13	392	

36584

No. 450.

COLONIAL OFFICE to HOME OFFICE.

[See Enclosure in No. 462.]

SIR,

Downing Street, 14 December, 1910.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary Churchill, the accompanying extract from a telegram from the Governor of New Zealand giving the text of a resolution with regard to uniformity of laws respecting immigration and alien exclusion which his Government intend to move at the Imperial Conference in 1911.

2. Mr. Harcourt presumes that it is the desire of the New Zealand Government in making this suggestion to secure that the Imperial Government shall accept the principle adopted by the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa of excluding aliens and of regulating immigration by means of a language test. He feels no doubt that such a proposal would not commend itself to Mr. Churchill as being desirable or practicable for adoption in this country; but I am to request that he may be favoured with a memorandum giving expression to Mr. Churchill's views on the question which might, if thought desirable, be communicated to the Governments of the Dominions. Such a memorandum should be communicated to this Department before the beginning of March so that it may reach the Prime Ministers of the Dominions in good time before they start for this country in April next.

I am, &c.,

C. P. LUCAS.

Enclosure in No. 450.

"(12) *Uniformity of laws.*—That it is in the best interests of the Empire that there should be uniformity throughout its centres in the law of . . . immigration, aliens exclusion."

36584

No. 451.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 452.]

SIR,

Downing Street, 14 December, 1910.

I AM directed by Mr. Secretary Harcourt to transmit to you, for the consideration of Sir E. Grey, a copy of a letter* to the Home Office, respecting a resolution proposed for submission to the Imperial Conference by the Government of New Zealand on the subject of uniform legislation as to alien immigration. A copy of the resolution is also being forwarded to the India Office.†

Mr. Harcourt will be glad to be favoured with any observations which Sir E. Grey may desire to offer on this question.

I am, &c.,

C. P. LUCAS.

39669

No. 452.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 29 December, 1910.)

[Answered by No. 458.]

SIR,

Foreign Office, December 28, 1910.

WITH reference to your letter, No. 36584, of the 14th instant,† on the subject of uniform legislation for alien immigration, I am directed by Secretary Sir E. Grey to request that the Secretary of State for the Colonies may favour him with the views of the Home Department on the subject, as soon as a reply has been received by Mr. Secretary Harcourt to the letter addressed by him to that Department in the matter on the 14th instant.*

* No. 450.

† No. 451.

‡ See No. 466.

I am to add that, pending the receipt of that communication, Sir E. Grey considers that no useful observations can be offered by this Office on the subject.

I am, &c.,
W. LANGLEY.

2951

No. 453.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 30 January, 1911.)

(No. 26.)

SIR, Government House, Ottawa, Canada, 16 January, 1911.
WITH reference to your despatch, No. 849, of the 18th November, 1910,* enclosing a memorandum on the question of the deportation of undesirable aliens from the self-governing Dominions, I have the honour to transmit herewith, for your information, copies of an approved minute of His Majesty's Privy Council for Canada stating that the question is under consideration by the Minister of the Interior, who suggests a means whereby the difficulties referred to in the Home Secretary's memorandum may be obviated to a considerable degree.

I have, &c.,
GREY.

Enclosure in No. 453.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE ADMINISTRATOR ON THE 11TH JANUARY, 1911.

(P.C. 21.)

The Committee of the Privy Council have had before them a report, dated 31st December, 1910, from the Secretary of State for External Affairs, to whom was referred a despatch, dated 18th November, 1910, from the Right Honourable the Principal Secretary of State for the Colonies, acquainting Your Excellency that the Secretary of State for Home Affairs desires to bring before the Imperial Conference the question of the deportation of undesirable aliens from the self-governing Dominions.

The Minister states that this matter is engaging the attention of the Minister of the Interior, whose Department is most anxious to adopt such rules or regulations as will save the Mother Country from the difficulties and risks to which she is now exposed in connection with the deportation of undesirable aliens from Canada by way of ports of the United Kingdom.

The Minister observes that with this object in view it is suggested that the difficulty complained of might be removed to a considerable extent if special officers of His Majesty's Government, at the ports of landing in the United Kingdom, were duly notified by officers of the Government of Canada of the departure of undesirable immigrants, giving name of ship, date of sailing, &c., that are being deported, so that necessary steps might be taken by the above-named officers of His Majesty's Government to ensure the immediate transfer of such undesirables by the transportation companies responsible for their return to the country of their birth or citizenship.

That in this way there would appear to be no doubt that a proper check could be kept on deportations being effected through ports of the United Kingdom, and if there is any way in which the Department of the Interior can co-operate in making an arrangement such as the one proposed, they will be very glad to do so.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward a copy hereof to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

* No. 449.

2951

No. 454.

COLONIAL OFFICE to HOME OFFICE.

[See Enclosure in No. 462.]

SIR,

Downing Street, 7 February, 1911.

WITH reference to the letter from this Department of the 19th of November,* last, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary Churchill, a copy of a despatch† from the Governor-General of Canada enclosing a copy of an approved minute from the Canadian Privy Council relative to the question of the deportation of undesirable aliens from the self-governing Dominions.

I am, &c.,
H. W. JUST.

2951

No. 455.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 65.)

(New Zealand. No. 46.)

(South Africa. No. 65.)

(Newfoundland. No. 19.)

MY LORD,

Downing Street, 8 February, 1911.

SIR,

WITH reference to my despatch, No. [437] [295] [269] [202], of the 18th of November last,‡ I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, a copy of a despatch† from the Governor-General of Canada enclosing a copy of a minute from the Canadian Privy Council relative to the question of the deportation of undesirable aliens from the self-governing Dominions.

I have, &c.,
L. HARCOURT.

4434

No. 456.

SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11 February, 1911.)

[Copy to Home Office, 16 February, 1911. L.F.]

(No. 36.)

SIR,

Government House, Cape Town, 19th January, 1911.

WITH reference to your despatch of the 18th November, 1910, No. 295,‡ regarding the deportation of undesirable aliens from the self-governing Dominions, I have the honour to inform you that my Ministers state that they fully appreciate the importance of this subject, and consider it a fair one for discussion at the forthcoming Imperial Conference.

2. Ministers express the hope that the Conference will arrive at a satisfactory solution of the matter.

I have, &c.,
GLADSTONE,
Governor-General.

* L.F. transmitting copy of No. 449.

† No. 453.

‡ No. 449.

4843

No. 457.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 14 February, 1911.)

[Copy to Home Office, 18 February, 1911. L.F.]

(No. 5.)

Sir,

Wellington, 11th January, 1911.

In reply to your despatch, No. 269, of the 18th November, 1910,* regarding the deportation of undesirable aliens from the self-governing Dominions, I have the honour to inform you that my Prime Minister will be prepared to discuss this question at the forthcoming Imperial Conference.

I have, &c.,
ISLINGTON,
Governor.

6891

No. 458.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 461.]

Sir,

Downing Street, 4 March, 1911.

With reference to your letter of the 28th of December,† I am directed by Mr. Secretary Harcourt to transmit to you the accompanying copy of a memorandum which has been received from the Home Office for communication to the Dominion Governments on the subject of the resolution proposed to be submitted by the Government of New Zealand to the Imperial Conference respecting uniform legislation as to alien immigration.

2. Mr. Harcourt will be glad to receive, at Sir Edward Grey's earliest convenience, an expression of his views as to the New Zealand resolution and the Home Office memorandum.

I am, &c.,
C. P. LUCAS.

6891

No. 459.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 1 p.m., 4th March, 1911.)

TELEGRAM.

My despatch 20th January,§ agenda, Imperial Conference. Following is text of resolution to be moved on behalf of Imperial Government as to deportation of aliens:—

Begins: That, where aliens are deported under the law of any Dominion to a port of the United Kingdom, it is desirable that some system should be devised whereby the Dominion may effectually co-operate in the measures necessary in the United Kingdom for the final disposal of such aliens. *Ends.*

—HARCOURT.

* No. 449.

† No. 452.

‡ Enclosure in No. 462.

§ No. 6 in [Cd. 5513.]

8740

No. 460.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 18 March, 1911.)

[Copy to Home Office, 25 March, 1911. L.F.]

(No. 12.)

Sir,

Government House, St. John's, 8th March, 1911.

REFERRING to your despatch, No. 202, of the 18th November last,* on the subject of the deportation of undesirable aliens, I have the honour to transmit a copy of a letter from the Colonial Secretary on the subject.

I have, &c.,
RALPH WILLIAMS.

Enclosure in No. 460.

Colonial Secretary's Office, St. John's, Newfoundland,
27 February, 1911.

Sir,

REFERRING to despatch, No. 202, of the 18th November last, with memorandum on the subject of the deportation of undesirable aliens, I have the honour to intimate that this Government will be pleased to take any measures that may be considered necessary in order to avoid burdening the Mother Country with undesirable aliens from this Colony.

Chapter 137, Consolidated Statutes (Second Series) deals with the question of the disembarking of paupers in this Colony. The amount of immigration here is very small, and the machinery provided under the Statute has been found to be quite effective. So far as Newfoundland is concerned there is practically no deportation of undesirables to the United Kingdom.

The Prime Minister notes the suggestion of the Home Secretary, to which he has no objection, that this question shall be discussed at the meeting of the Imperial Conference this year.

I have, &c.,
R. WATSON,
Colonial Secretary

His Excellency

Sir Ralph Williams, K.C.M.G.,
&c., &c., &c.,
Governor.

9560*

No. 461.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24 March, 1911.)

Sir,

Foreign Office, March 23, 1911.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, No. 6891/1911, of the 4th instant,† relative to the resolution proposed to be submitted by the Government of New Zealand to the Imperial Conference respecting uniform legislation as to alien immigration.

* No. 449.

† No. 458.

I am to state, for the information of Mr. Secretary Harcourt, that Sir E. Grey has no observations to offer on the subject.

I am, &c.,
W. LANGLEY.

9560

No. 462.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 203.)	(New Zealand. No. 118.)
(Australia. No. 147.)	(Newfoundland. No. 74.)
(South Africa. No. 146.)	

MY LORD,
SIR,

Downing Street, 24 March, 1911.

With reference to my despatch, No. [38] [26] [30] [17] [8], of the 20th of January,* regarding the agenda for the Imperial Conference, I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copies of a memorandum which has been drawn up by the Home Office on the subject of the resolution in favour of uniformity of legislation as to immigration and aliens exclusion which is to be moved by the Government of New Zealand.

2. This memorandum will form a convenient basis for the discussion of the question at the Conference.

I have, &c.,
L. HARCOURT.

Enclosure in No. 462.

MEMORANDUM BY THE HOME OFFICE.

UNIFORMITY OF LAWS AS TO THE EXCLUSION OF ALIENS.

In the absence of further information, the Secretary of State assumes that in the telegram from the Governor of New Zealand received by the Colonial Office on November 29th, 1910,† the word "aliens" is used in its strict sense and not as including all immigrants. If this assumption is correct, it should be observed that whereas the Aliens Act, 1905, applies solely to aliens, the various Acts for the restriction of immigration at present in force in the Dominion apply, generally speaking, to British as well as to alien immigrants.

On a comparison of the provisions of the various Acts dealing with immigration throughout the Empire, the Secretary of State finds that there are certain grounds for exclusion which are to a large extent common to them all. These grounds may be divided under the following headings:—

- (1) Character.
- (2) Physical or mental condition.
- (3) Economic.

So far as the first two are concerned there is already, as might be expected, considerable agreement in the provisions of the existing statutes, for it is only natural that where restrictions on immigration have been found necessary they should aim at excluding persons of criminal antecedents or otherwise of bad character and persons who are mentally or physically unsound. The Secretary of State sees no reason why, if it were considered desirable, this existing agreement could not be transformed into greater, if not complete, uniformity both of intention and expression, but he very much doubts whether the practical results would be sufficient to justify the expenditure of time that would be necessary to enable the parties concerned to arrive at a unanimous decision.

* No. 6 in [Cd. 5513].

† See enclosure in No. 450.

With regard to the economic grounds for exclusion the statutes under consideration are practically unanimous in regarding "persons likely to become a public charge," or coming under some similar description, as undesirable immigrants. But there the agreement ends; and the provisions dealing with the restriction and regulation of immigration on other economic grounds show considerable diversity. The Commonwealth of Australia, for example, has a special statute—the Australian Contract Immigrants Act, 1905—containing detailed provisions as to the landing of immigrants under labour contracts and vesting the decision within certain defined limits, in the Minister. The Canadian Immigration Act of 1910, on the other hand, while it excludes the class of persons described as "charity immigrants," except on specified conditions, contains no provisions as to contract labour. It is true that there is a Canadian Act of 1906 dealing with the importation and employment of aliens, which prohibits the procuring of alien contract labour and renders void any contract for labour made with an alien before he arrives in the country; but this Act is not an immigration Act enforceable by the Immigration Authorities, and is expressed to apply only in respect of persons belonging to countries which possess similar laws applicable to Canada. Lastly, the Aliens Act of 1905 contains no reference to contract labour; and, indeed, the prospect of employment, though not necessarily under a contract already made, is regarded as a reason for the admission of the alien immigrant, the immigrant being required by the Act to show that he is in a position to support himself and his dependants decently.

In view of these diverse provisions it does not appear to the Secretary of State that, apart from the question of "persons likely to become a public charge," it would be possible to secure the application of uniform economic reasons for the exclusion of immigrants. Even if the present provisions were abandoned and the question considered *de novo*, it would, in his opinion, be impossible for the Mother Country and the various Dominions to arrive at any agreement, at all likely to be permanent, upon the economic aspect of immigration, which must naturally vary not only in different countries according to their development, but also from time to time in the same country. Where the quantity, as distinguished from the quality, of immigration is concerned, it could hardly be expected that either the Mother Country or any of the Dominions should surrender, in any effort towards the application of uniform principles, its right to fashion its policy according to circumstances.

With regard to the special grounds for exclusion contained in certain of the Acts, the Secretary of State desires here to deal only with the language or education test which is found, in one form or another, in the Australian, New Zealand, Cape Colony, and Natal statutes. He has no information from which he can judge whether this test, as now enforced, is uniformly applied or whether it is used for different purposes in the different Dominions. He merely wishes to point out that the Canadian Legislature did not embody such a test in its very elaborate Immigration Act of last year, and that its introduction into any enactment dealing with immigration into the United Kingdom appears to be quite out of the question.

Home Office,
2nd March, 1911.

The Question of Asiatics in the Dominions.

No. 463.

NEW ZEALAND.

EXTRACT FROM PARLIAMENTARY DEBATES, HOUSE OF REPRESENTATIVES, 23RD SEPTEMBER, 1910.

The Right Hon. Sir J. G. WARD: " . . . Now, before I conclude I want to take the opportunity of saying a word regarding the important question of the lascars on ships coming to this country. No one recognizes more than I do the grave importance from a national point of view of insuring for our own white people and our friends of the Maori race protection against the coloured races from outside, whether on ships or land, coming into competition with us in this country. In connection with the lascars who are coming out in the line of steamers at present calling at this country, the difference between New Zealand and Canada, I might inform the honourable member for Christchurch North, is that the Canadians cannot under their law prevent a line of steamers with lascars on board running to Canada, but they can prevent the employment of them on steamers along the coast within their own territory. That is our law also, and we can do exactly the same. They cannot prevent a British ship from going to Canada with lascars on board of it, neither can we prevent one from coming to New Zealand. That is because lascars are inhabitants of a portion of the British possessions, and being under the British flag are Britishers. We cannot prevent them coming to this country, excepting with the consent of the British Parliament by legislation. What we are not doing, and will not do, is to give a subvention to any steamers that carry lascar crews, and we pay the line of steamers now coming to New Zealand nothing. The difficulty with regard to this matter is the fact that in our own Empire there are various races of not the same colour as ourselves, but who are British, and who have the protection of our flag, and the lascars are one of those races. This matter has cropped up on more than one occasion in the Old Country at the Imperial Conferences; but I think it was dealt with confidentially, so I cannot deal with some of the statements that have been made here. However, it came up there for discussion in order to see if some settlement could not be arrived at; and I say, whoever may be the representative from this country at the next Imperial Conference, it ought to come up again, with a view to the representatives from the oversea Dominions making the strongest representations they can to the British authorities that they ought to co-operate with us over the matter, seeing that they give large subsidies to lines of steamers carrying lascar crews trading to other British countries whose laws will not allow them to be employed for trading purposes upon their coasts. They should co-operate with us in saying that if that line of steamers is to come to this country the vessels should be manned with white crews. I do not believe that you will be able to get the Old Country to legislate in the direction of saying that any section of the British community should be able to get an advantage over another portion; but we may be able to bring pressure on them in the direction of at least causing the feelings and aspirations of our people regarding this matter to be respected by those who are carrying on a very great and fine line of steamers, and are doing so in the interests of their shareholders. But we should ask them to respect the laws we apply to our own people. . . . "

35029

No. 464.

THE LONDON ALL-INDIA MOSLEM LEAGUE to COLONIAL OFFICE.

(Received 15 November, 1910.)

[Answered by No. 465.]

42, Queen Anne's Chambers, Westminster, S.W.,

11th November, 1910.

SIR,

My Committee have had the honour to address you on two occasions this year in respect of the harsh and invidious treatment, not to call it by any other

name, meted out to their fellow Indian subjects, and more particularly to their co-religionists, possessing rights of domicile in the Transvaal; and I am directed to thank the Right Honourable the Secretary of State for the promptitude with which, as is shown by the recently published Blue Book [Cd. 5363], the attention of the Transvaal authorities was directed to the grievances we set forth. Since then we have ventured to submit to the Colonial Office a full representation on the anomalous position occupied by Indians in the British East Africa Protectorate and to their just and reasonable grievances. But as the questions raised in these representations form part of the general problem of the position and treatment of His Majesty's Indian subjects in what are usually called the Over-Sea Dominions—a treatment which is certainly not calculated to promote their pride in, or their attachment to, the citizenship of the British Empire—and as the situation from their point of view is most acute, my Committee feel that the time has come when they should present to the Secretary of State a survey of the subject as a whole, in the earnest hope that His Majesty's Government will consider their submissions as vitally affecting the best interests of the Empire. It seems to them that there is peculiar appropriateness in an appeal for the settlement of this great problem on lines calculated to strengthen the bonds of Empire at a time when the federation of the South African Colonies is being consummated by the visit of H.R.H. the Duke of Connaught to open the first Union Parliament, and when arrangements are being completed for the Imperial Conference to meet under the presidency of the Secretary of State a few months hence. They feel that the Conference should be given the fullest opportunities of knowing the direction and strength of Indian sentiment on a subject of such far-reaching Imperial importance, and they will be gratified if the present statement contributes to that end.

2. My Committee are the more anxious to review the question as a whole since they feel it incumbent upon them to indicate the reasons for the view submitted by them on a previous occasion that the situation is calculated to add greatly to the difficulties with which the Indian Government stands confronted. The treatment of Indians in other parts of the King's dominions creates an intense feeling of indignation and a sense of injustice, shared by all classes of the community in India, of sufficient education and intelligence to know something of the facts. Such feeling filters down to the masses and adds to the general bitterness, particularly when they have the untoward object-lesson—unhappily by no means rare—of the presence amongst them of fellow-countrymen deported from South Africa although legally domiciled in that Dominion, or when they receive news of the harsh and cruel treatment meted out to relatives or fellow natives of their villages. The enemies of British rule turn to account the righteous indignation which prevails to foment disaffection, and the minds of the most loyal and well-affected Indians are agitated as they read from day to day of the indignities, pains, and penalties imposed upon their countrymen in various States under the British flag. They bitterly reflect that nowhere save under the flag which they have been told is the emblem of equity and justice *par excellence*, and in lands which own allegiance to their own King-Emperor, is there a like degree of proscription and contumely meted out to the King's Indian subjects.

3. It may, perhaps, be contended by those who wish to find excuses for the colonial attitude, or for the Home Government in having hitherto failed to secure a settlement of this grave Imperial problem, that the spectacle of unjust treatment and proscription of Indians in the self-governing Dominions is not a thing of yesterday, and that as it went on for many years without evoking strong feeling in India its political effects there are not likely to be so grave as is alleged. The premise of such a contention does not warrant the conclusion. It is true that many years have passed since the first attempts were made by Natal to prevent the landing of Indian emigrants lawfully entitled to enter the country; and since Australia, not content with a policy of exclusion, refused to give its share of the mail contracts to shipping companies including Indian lascars in their crews, even though the companies were willing to arrange that the lascars should not be allowed on shore for so much as a few hours' leave. It may also be admitted that in the days of the Boer Republics the position of Indians in the Transvaal was unsatisfactory—though far less so than at the present time. But the grievance in the latter case was not against a British Colony, or an apparently indifferent Home Government, but against an independent State, and Indians saw with satisfaction their cause taken up by Whitehall, and even made one of the grounds for the British rupture with President Kruger's Government. In the confident belief that the British

Government would see justice done in the Transvaal when the war was ended, and would also press Natal for similar improvement, Indian opinion, though by no means indifferent to the state of affairs, calmly awaited results. In the years that have intervened, while on the one hand Indian national sentiment has developed with the spread of education, and the increasing opportunities British rule has afforded; on the other hand the hopes then entertained have been belied—in every direction matters have grown worse instead of improving, and the solution of the problem has not come into view. The cumulative effect of this situation, superimposed upon the unrest in India arising from general causes, is most deplorable. In this connection my Committee cannot do better than quote with complete endorsement, the exposition of the situation given by the distinguished British publicist who recently revisited India as the Special Correspondent of "The Times," to whom the task of criticising the self-governing South African States in the following severe terms must have been extremely distasteful. Writing on September 10th, he said:—

"What Indians feel most bitterly is that however well educated, however respectable and even distinguished may be an Indian who goes to, or resides in, South Africa, and especially in the Transvaal, he is treated as an outcast and is at the mercy of harsh laws and regulations framed for his oppression, and often interpreted with extra harshness by the officials who are left to apply them. This bitterness is intensified by the recollection that before the South African War the wrongs of British Indians in the Transvaal figured prominently in the catalogue of charges brought by the Imperial Government against the Kruger régime which precipitated its downfall. In prosecuting the South African War, Great Britain drew freely upon India for assistance of every kind except actual Indian combatants. Not only was it the loyalty of India that enabled to be embarked hurriedly at Bombay the British troops who saved Natal, but it was the constant supply from India of stores of all kinds, of transport columns, of hospital bearers, &c., which to a great extent made up throughout the war for the deficiencies of the British War Office. There are monuments erected in South Africa which testify to the devotion of British Indians who, though non-combatants, laid down their lives in the cause of Empire. Yet as far as the British Indians are concerned, the end of it all has been that their lot in the Transvaal since it became a British Colony is harder than it was in the old Kruger days, and the British colonists in the Transvaal who were ready enough to use Indian grievances as a stick with which to beat Krugerism, have now joined hands with the Dutch in refusing to redress them."

4. Though only a few weeks have passed since this unanswerable statement of the case was written, the situation has meanwhile grown, if possible, darker. Not only have arrests and imprisonments been numerous; but under a test case decided by the Supreme Court of the Transvaal on September 13th, the children of Indians, domiciled in that country, on attaining the age of 16, are held to have forfeited their rights of domicile unless they happen to have been born in the Transvaal or to have been resident there at the time of the passing of the Registration Act of 1908. This decision means that a father may have gone to the Transvaal several years ago, leaving his wife and young family in India whilst he is making a home for them. Subsequently they join him, but his son, upon attaining the age of 16—the legal majority for Indians in the Transvaal—is not entitled to be registered because he was not born in the Transvaal or resident there at a particular date. Such a youth will be liable to arrest and deportation. He may have no friends or relatives in India whose homes are open to him, and will most likely be without sufficient training and education to have reasonable prospects of earning a livelihood there. Hence, parents, though they may themselves be South African born, will often feel compelled to leave their home and business to look after children thus forcibly taken from them. Mr. Justice Wessels, while compelled to decide the application in a manner to enforce the intention of the Legislature as expressed in the relevant Acts, could not refrain from expressions of righteous indignation as to its spirit. He said that the law whereby "this poor stray boy of 16 has to be cleared out of the country to fight the world by himself alone outside" was "monstrous" and "absolutely inhuman."

5. A study of the recently published Blue Book [Cd. 5363] tends to still further deepen the gloom, since it shows a disposition on the part of the Transvaal autho-

rities to completely disregard the complaints and remonstrances addressed to them by the Colonial Office. This is especially noticeable in respect to the treatment of Indian prisoners, which has been of a character both prejudicial to health and repugnant to religious scruples. Our complaints regarding the refusal of the Transvaal Government to allow the Mahomedan prisoners facilities to observe the Fast of Ramazan, were met by the statement that Islamic law permitted Mahomedans so circumstanced to observe the fast at a subsequent date. The incorrectitude of this assertion was pointed out in my Committee's letter of January 12th last,* and was further discredited by enquiries officially made by the Indian Government. The Secretary of State made a renewed appeal to Ministers to give facilities for the observance of the Ramazan and other religious duties, and to issue instructions which would make it possible to exempt Indian prisoners from tasks and practices repugnant to their religious scruples. The reply (p. 102 of Blue Book) was to the effect that the gaol population was of a most cosmopolitan character, and that the grant of facilities for the observance of particular rites "would make the administration of gaols impossible." Hence they were not able "to issue instructions exempting Indian prisoners from certain tasks on purely religious grounds." In a later minute they referred to these reasons as rendering them "unable to accede to the request of the Mahomedans." When these decisions were communicated to the Secretary of State for India, Lord Morley expressed "his profound regret," and justly pointed out that the reasons assigned by the Transvaal Government were irrelevant to the question of compelling prisoners to perform tasks involving ceremonial pollution. The prison population of India was no less cosmopolitan than that in the Transvaal, but the Indian gaol regulations met religious difficulties without impairing prison administration (Blue Book, p. 122).

6. This typical example of the attitude of the Transvaal Government is not of hopeful augury with regard to the earnest desires expressed in Lord Crewe's telegram to Lord Gladstone on 8th June last (Blue Book, p. 122) directing his attention to the views of the Indian Government as to the seriousness of the political effect in India of the action of the Transvaal Government in bringing about the deportations via Lorenzo Marques. Lord Gladstone was reminded that in January last, Transvaal Ministers stated officially that while unable themselves to act in a manner to settle the Indian difficulty, they felt confident that the Union Government would soon have an opportunity of amending suitably the legislation respecting Asiatic immigration. The telegram added:—

"In the opinion of His Majesty's Government, Union could not be more happily inaugurated than by a settlement of the regrettable controversy as to Asiatic legislation in the Transvaal, and they trust that your Ministers will concur in this view and will endeavour to effect permanent settlement acceptable to all parties. In the meantime His Majesty's Government would urge that deportations should be suspended, or at least that further deportations should be prevented to which reasonable exception may be taken."

7. A spontaneous and broad-minded settlement by the Union Parliament would indeed constitute a happy inauguration of the unification. Rumours are current that consolidating legislation is to be introduced, and that some concessions will be made in reference to Indians in the Transvaal. But recent events in South Africa do not give ground for sanguine expectation that a satisfactory settlement will be carried out if His Majesty's Ministers fail to actively assert their influence. Indians claiming a right of domicile in South Africa have lately been prohibited from landing at Cape Town. Moreover, the right to exercise the franchise for elections to the Legislature, which Indians in Cape Colony have long enjoyed, is not retained in respect to the Union Parliament, the object of the omission being apparently to level down the position and status of Indians in Cape Colony to the standard of the Transvaal and Natal. The position of Indians is thus made worse instead of better by the confederation, for, as Mr. Merriman has observed, the Transvaal policy is more and more permeating Union affairs. The change for the worse is illustrated in the case of an Indian domiciled in Cape Colony for seven years, who was recently refused re-entry because he overstayed the period granted by his permit of absence by thirteen days. Thus a tyrannical law under which a resident Indian may only leave the country on a sort of ticket-of-leave is

* No. 108 in [Cd. 5363].

rendered more tyrannical by a rigid interpretation disregarding accidental circumstances and the contingencies of ocean travel. There is only too much reason to fear that the various restrictions on the personal rights and liberties of Indians current in the Transvaal and Natal may be more or less generally applied. The placing of Indians on a parity with the semi-civilized Kaffir population in such matters as the use of footpaths, of trams and railways, and other public services, and in that of prison treatment and diet, is resented in India quite as strongly as the deportations by way of Portuguese territory, to the political ill effects of which Lord Crewe bore testimony in the representations he made to the Transvaal Government, published in the recent Blue Book.

8. In 1906, and again in 1908, the Natal Government formulated legislative proposals the avowed object of which was the ultimate extinction of the trading rights of the free Indians now possessing licences. These measures of wholesale expropriation were so utterly alien to British conceptions of equity that His Majesty's advisers made all too rare use of their powers by recommending the Crown to veto the Bills. But what cannot be done by direct legislation is being attempted by administrative action under the powers conferred by the Dealers Licences Act of 1897. Though the Act is of general application, in practice it has been employed more and more extensively for depriving Indian traders of their licences; and even in the now distant days when Mr. Chamberlain was at the Colonial Office, he warned the Natal Government that if this one-sided administration against Indian traders did not cease, he would be compelled to take serious action. A circular was sent to the municipalities warning them against the unfair exercise of their discretionary powers. Unfortunately the essential guarantee against injustice—a right of appeal to the Supreme Court—is not granted by the Act, and the warning had only temporary effect. As the Licensing Boards consist largely of European storekeepers, their arbitrary refusals to renew long-existing licences are dictated, it is to be feared, by selfish motives, and do not accord with the wishes of the general European population.

9. Commenting on what was known as the Klip River (Ladysmith) Licensing Case last year, the "Times of Natal" described the decisions of the Board as constituting a "scandalous injustice." "We wish to be perfectly clear in this matter," it continued, "We have no sympathy with Indian traders, and we should be glad to see an end of Indian trading. We would support the most drastic restrictions at the port of entry, and would go so far as to favour no fresh licences being granted to Indian applicants. But to decline to renew a trading licence in the case of Indians who have been allowed to settle in the country, who have been conducting their businesses in a perfectly legitimate manner for years past, and who have invested their capital in commercial enterprises on the strength of the licence to trade, is to do something which conflicts with the laws of all civilized nations, and with the most elementary notions of justice." When such remarks are made by a paper avowedly hostile to Indian claims, there is no need, my Committee feel, to add further argument as to the inequity of the policy of disregarding vested interests in squeezing out the Indian trader. No less reprehensible is what was described by the Natal delegates to this country last year as "a deliberate attempt . . . to starve the Natal British Indian community intellectually, by depriving them of even such limited facilities for educating their children as have hitherto existed." The reference is to the exclusion of Indian children after completing the age of 13 from Government higher grade schools. The general elementary schools of the Colony are entirely closed to Indians, while in their own schools the education is of a purely elementary type. The exclusion from higher grade schools is tantamount to a Government decree that Indian children are not to have more than a rudimentary education.

10. For the past half century Natal has had to rely mainly upon indentured labour from India for the prosperity of its planting and other industries; and the colonists are willing still to receive unlimited assistance from India in this respect, provided ultimate addition to the "free" Indian community in the Colony is not thereby involved. The whole trend of legislation and administrative action is directed towards "squeezing out" the free Indian community, and compelling the contracted Indian labourer to be re-indentured or to leave the Colony. A special annual tax of £3 per head is imposed not only upon the labourer, but upon his wife and each of his children. This tax presses most severely on the great majority of the freed Indians; it has ruined many and driven others to moral degradation.

My Committee would, in these circumstances, earnestly appeal to the Secretary of State not to countenance any law or regulation, such as has long been desired by the colonists, whereby repatriation of indentured labourers on completion of their terms of service would be compulsory. It would be far more appropriate to the circumstances to prohibit indentured emigration from India, pending amelioration of the condition of the resident Indians. Happily the power to proclaim such prohibition now exists.

11. The unsatisfactory position in Natal was, no doubt, a strong consideration in leading the Government of India recently, in response to repeated appeals from public opinion, to secure statutory powers to prohibit indentured immigration to any country that may be notified as one where the treatment of British Indians is not such as to meet with the approval of the Governor-General of India in Council. The exercise of this power would chiefly affect Natal. But as an effective weapon of retaliation it is countervailed in considerable degree by the presence in Natal of a "free" Indian population of over 60,000, supplying a labour force that will go some way to compensate the plantations for any stoppage of the indentured supply. With the exception of British East Africa, there is no other dominion of the Crown where the possession of this power by the Government of India may be regarded as at present of any practical value as a check upon the ill-treatment of His Majesty's Indian subjects.

12. While in these circumstances the enabling legislation passed by the Governor-General's Council only touches the fringe of the great problems to which the unfortunate situation of Indians in many parts of the King's dominions gives rise, it has been most heartily welcomed throughout the Dependency by Indian sentiment as at least a step in the right direction. It is felt that there should be some form of rejoinder on the part of India to the "bar sinister" placed upon Indian subjects of the Crown, by other subjects of the Crown. It is also felt that circumstances may arise in which this reserve power can be applied elsewhere than on the African continent. My Committee would most earnestly urge, that should attempts be set on foot by any self-governing Colony where Indians are not fairly treated to recruit labour in India, the Governor-General in Council should exercise the power of prohibiting indentured emigration. This would be in accordance with the principle laid down by the Departmental Committee on Emigration to the Crown Colonies and Protectorates—a principle quite as applicable to self-governing Dominions—that "emigration under indenture for private employers should be permitted only to such colonies as offer an opportunity to the time-expired immigrant to settle in an independent capacity on the land." [Cd. 5192.]

13. In Australia, it was a considerable influx of Chinese which originated restrictive legislation based on the ideal of a White Australia. Yet there has not been the slightest effort to recognise that, by virtue of British citizenship, the Indian stands on a footing entirely different to that of the Chinese or Japanese. The Commonwealth Government and people have seemed oblivious to the fact that on the maintenance of belief in British justice and pride in British citizenship in India the whole position of Britain in the East largely depends; that India was the halfway house which enabled the British to colonise Australia; and, in short, that British power in the Dependency is a factor in Far Eastern politics with which the protection of the Australian Commonwealth is most vitally concerned. Happily, in the past the Imperial Government has refused to sanction any measure directly prohibiting in plain terms the movement of British Indians from one part of the Empire to another. Eventually the difficulty thus confronting Australian policy was overcome by the imposition of an education test on the lines of the Natal Act, and this has the effect of rigorously excluding the immigration of Indians of a class likely to compete with white manual labour. The right to travel in the Commonwealth is refused to Indians of wealth and position, save under humiliating formalities and restrictions. Even the temporary presence of lascars on board ship in the harbours of Melbourne, Sydney, and Adelaide, is regarded as an offence.

14. Similarly it is reported from New Zealand that the Government intend to pass legislation this session to restrict as far as possible the employment of lascar crews on board vessels engaged in intercolonial trade. This may have the effect of stopping the call of the P. & O. Company's steamers. The agents of that line, states "The Times" correspondent at Wellington (issue of October 29th), replying to the announcement of the Premier to this effect, show that the lascars "are British subjects, industrious, sober, and amenable to discipline. Moreover, se of Coun

these men, it is pointed out, belong to the same class as manned and fought in the East India Company's ships, and are the countrymen of 170,000 first-class native soldiers upon whom England in great measure relies for the maintenance of her supremacy in the East and who might even be called upon to assist in defending British possessions in the South Pacific in time of need, as they have already been called upon to do in China and Egypt."

15. My Committee have felt it necessary to generally survey the ground, and to summarise briefly its outstanding features as a necessary prelude to the broad considerations they wish respectfully to advance. Of the situation in British East Africa, however, they have said nothing, having so recently submitted their views to the Secretary of State. Reviewing the situation as a whole they would first point out that a most competent observer has predicted that the Vice-royalty upon which India is now entering will constitute a period that will go far to furnish a conclusive answer to the question whether criminal disorder has been arrested and confidence and courage have been restored to the moderate and loyal classes. My Committee believe that in its turn this question is largely dependent on the application of broad and generous principles of statesmanship to the problem of the status and treatment of Indians in the King's dominions outside their own country. The present position, regulated by no broad general principles of equity, cannot be left unameliorated without the gravest peril to an Empire of which India supplies nearly three-fourths of the entire population, and a large part of the effective defensive strength. Such amelioration is desired with profound earnestness by my Committee, not only because the grievances affect them, in common with all other Indians, but because they long to see the bonds which unite Great Britain and her great Dependency strengthened at a point where they are dangerously weak. They feel acutely that the time is over-ripe for a definite and unhesitating statement of the Imperial position, and for a steadfast determination on the part of the Home Government to spare no effort to remove the trouble which is so seriously affecting the contented progress of the Indian Empire. They are not oblivious of the many remonstrances which have been addressed from Whitehall to the Colonial Governments concerned; but, in respect to the typical case of the Transvaal, they cannot forget that opportunities to lay down conditions for safeguarding Indian rights when the country was still a Crown Colony, and again when the Act of Union was passed, were strangely neglected.

16. It has been pleaded in defence of the Colonial attitude that it is a necessary principle of national self-government that young and swiftly-expanding peoples should build up their population from what materials they choose. But, assuredly, if there is to be any meaning in the term "British Empire," and any cohesion in its composition, this principle must be regulated by high Imperial considerations. The Indians in the Transvaal have never failed to recognise the difficulties incidental to the government by a small white community of a vast and semi-civilized African population. They do not claim, and have never claimed, that South Africa should throw its doors open to an indiscriminate Asiatic influx. But they ask that having made the country their home they should be treated with the consideration due to civilized and orderly citizens of the British Empire, and should be protected from insult, humiliation, and spoliation. They ask, moreover, that, as in the case of Europeans occasionally excluded from Canada or the United States, refusal to admit Indians should be based on grounds personal to the individual and not on those merely of race or religion. It is the adoption of this latter retrograde and derogatory test in the legislation of the Transvaal, in conjunction with the Registration Law, which has compelled the Indians there to resort to passive resistance. The Transvaal legislation excludes Indians as a people, or class, irrespective of individual qualifications or disqualifications—the Indian is shut out, regardless of his position or wealth or culture, merely because he is an Indian. Such a racial basis of exclusion is not called for to fulfil the declared objects of the Transvaal authorities. Refusal to admit persons not possessing certain specified means, or not fulfilling a reasonable education test, would in itself suffice to keep out the workers whose presence is deemed undesirable, and also the petty hawkers. Complete freedom of immigration is recognised to be beyond the pale of practical politics in the existing state of colonial opinion, but there can at least be the theoretical equality as between one section of the subjects of the King and another which is essential for the removal of a racial bar highly offensive to the Indian peoples. The bar exists now, and my Committee believe, save under the flag of the Empire

which owns the allegiance of a greater number of Asiatic subjects than any other European Power. The Mahomedan subjects of His Majesty, it may be remarked in passing, have a special grievance, inasmuch as they are discriminated against by name in the legislation of the Transvaal. The suggestion recently made that there should be a uniform system of immigration laws throughout the Empire is one that could only be supported by Indian sentiment on the basis of the elimination of racial or religious differentiation, so far as the civilized subjects of the Crown are concerned.

17. It has further been suggested that by a uniform system of passports, Indians of good position desiring to travel in the Colonies for pleasure, business, or study should be free to do so in any part of the King's dominions. This would no doubt remove the absurdities of the present policy so patent that no one has ever seriously attempted to defend them. But so long as the racial bar remained, this grant of passports in special cases would do little to mitigate the bitterness of Indian feeling; and very few prominent Indians would be likely to take advantage of the facility, since they would regard the necessity for a passport, while European or semi-European travellers were exempt from the use of any such document, as derogatory. A revision of the immigration laws on proper lines would do away with any necessity for such differentiation, while adequately securing the Colonies concerned from any apprehensions of "Asiatic invasion" as a result of indiscriminate admission.

18. The suggestion that the whole question should be put before the Imperial Conference, which assembles in London next March, my Committee would respectfully urge on the Secretary of State's consideration. In India it has always been held to be unfortunate that the last Imperial Conference had not opportunity of such discussion, since this important item, being placed low down on the Agenda, was not reached. On the forthcoming occasion, the question should, my Committee humbly urge, be given the precedence which its importance deserves. But in connection with the suggestion, they would make two reservations. The one is that the representation of India at the Conference should be of a fuller and much more representative character than on former occasions, and that one or more Indians should be placed upon it in order that the Indian view of the case may be adequately presented. The other is that the question should not be left in abeyance till then, but that His Majesty's Ministers should lose no time in formulating definite proposals, and in exhibiting a determination that no effort shall be wanting on their part to secure at the Conference a settlement of this gravest of Imperial problems. My Committee cannot concur in the argument that on a question of such vital importance to the Empire, the self-governing communities must be left to take their own course and that His Majesty's Government should do no more than to suggest or remonstrate. The Indian people consider that self-government in the Dominions beyond the seas is a free grant from the Mother Country and must be regarded as having been acquired subject to all the obligations of justice, equity, and humanity by which the Imperial Government acknowledges itself to be bound, and they feel that it is the duty of the Imperial Government to secure to them the observance of those obligations in the self-governing Colonies. With every desire to recognise that there are conflicting factors and interests to be kept in view, my Committee are constrained to hold that Indian interests, which are correlative to Imperial interests, can not be held to have been adequately guarded by the Home Government, seeing that in South Africa—to quote the most outstanding example—legislation affecting the Asiatic and coloured races is expressly contingent upon the sanction of His Majesty's advisers. They ask that the long series of unavailing remonstrances from Whitehall recorded in the last issued, as well as previous, Blue Books should be followed by definite and earnestly pressed proposals for the amelioration of a situation constituting the greatest of Imperial dangers.

19. My Committee are aware that there is no need to remind the Secretary of State of the solemn pledges of just and equal treatment contained in the gracious Proclamation of Queen Victoria on taking over the administration from the East India Company, nor of their renewal by his late lamented Majesty King Edward and by the present Sovereign. But my Committee would recall, as entirely applicable to the task of ameliorating the most unhappy situation they have outlined, the noble principle of British citizenship laid down by Lord Palmerston in the famous speech in which, as Foreign Secretary, he justified his action in compelling Greece to accept his terms in the Pacifico affair (House of Commons, June 25, 1850):

"As the Roman in days of old held himself free from indignity when he could say *Civis Romanus Sum*, so also a British subject, in whatever land he may be, shall feel confident that the watchful eye and strong arm of England will protect him against injustice and wrong." Neither Lord Palmerston nor any of the great statesmen of the past can have dreamed of the possibility of the coming of a time when "the strong arm of England" would be unraised, save for a few ineffective protests, to deliver three-fourths of His Majesty's subjects from the indignity and injustice of being proscribed and subjected to harsh treatment, not indeed by foreign Powers, but in lands where the British flag is flown.

I have, &c.,

M. T. KADERBHOY,

Hon. Secretary.

35029

No. 465.

COLONIAL OFFICE to THE LONDON ALL-INDIA MOSLEM LEAGUE.

[Answered by No. 468.]

SIR,

Downing Street, 14 December, 1910.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 14th of November,* transmitting copy of a representation on the position and grievances of the Indian subjects of His Majesty in British South Africa, and generally.

2. In reply I am to request that you will inform the Committee of the London All-India Moslem League that the questions raised in that memorandum are receiving the earnest consideration of His Majesty's Government. It may, however, be of advantage to point out on the present occasion (1) with reference to page 5, paragraph 7, that the Cape franchise as it existed at the date of South African Union is in no way restricted by the terms of the South Africa Act, 1909; (2) with reference to page 6, paragraph 8, that the Natal Dealers Licences Act of 1897 has been amended so as to provide for an appeal to the Supreme Court in cases where the renewal of an existing licence is refused by the licensing authority; (3) with reference to page 6, paragraph 9, that the regulation excluding Indians over the age of fourteen from the Natal Government Schools was rescinded by the Natal Government in March last.

I am, &c.,

C. P. LUCAS.

34804

No. 466.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by 39685, not printed (it agreed to the conference) and by No. 470.]

SIR,

Downing Street, 15 December, 1910.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Earl of Crewe, copies of correspondence with the All-India Moslem League on the subject of the position of British Indians in South Africa and other parts of the Empire.

2. Lord Crewe will observe that the League suggest that this question is one which should be discussed at the forthcoming Imperial Conference. It will be remembered that it was proposed to discuss the question at the Conference of 1907 (see Colonial Office letter to India Office 13 March, 1907), and that a memorandum[§] was prepared in the India Office with that object. Subsequently, however, the matter was further considered, and the proposed discussion was abandoned and the memorandum was not circulated to members of the Conference. Since that time the desirability of discussing the question at the next Conference has been often urged in the public press, and it seems to Mr. Harcourt advisable to decide at an early date whether this course should be adopted.

3. If brought forward at all, the question would have to be brought forward by His Majesty's Government. It is true that the resolution^{||} respecting immigration

* Formal note transmitting No. 464.

† Nos. 464 and 465.

‡ 7881/07: not printed.

§ See page 15 of Miscellaneous No. 195.

|| Enclosure in No. 450.

legislation, of which a copy is enclosed, has been submitted by the Government of New Zealand. This resolution, however, covers more ground than the question of the position of British Indians, and Mr. Harcourt is accordingly in communication with the Home Office and Foreign Office as to the attitude which His Majesty's Government should adopt with respect to it. A copy of the letter* sent to the Home Office is enclosed herewith.

4. At present, as in 1907, the difficulties surrounding the British Indian question are most acute in South Africa, and, as Lord Crewe is aware, there are at present under consideration between His Majesty's Government and the Union Government certain amendments of the existing legislation which may be expected to ease the position by removing the grievance which Indians at present feel in respect of their legal and theoretical inferiority. This legislation, however, if passed, is not likely to affect sensibly those practical grievances, depending mainly on unsympathetic administration, of which the Indians have complained, and Mr. Harcourt is impressed with the gravity of the general situation arising out of the attitude of the self-governing Dominions towards British Indians. He is fully aware of the difficulty of arriving at any solution which will commend itself to all parties. It seems to him, however, that Colonial Governments do not always realize the wider bearings of the question, and that it would be useful to make absolutely clear how serious the question is, and that this cannot be done so effectively by written communication as by using the forthcoming Conference for a frank and full interchange of views, which could, if thought desirable, be made confidential. It seems to him that there should be such an exchange of views whether the amending legislation now under consideration for South Africa is or is not passed, since, even if it is passed, there is abundant material for consideration, e.g., in the matter of facilities for Indians of rank and position or in the removal or mitigation of the grievances of the Indian population resident in the Dominions.

5. If, as Mr. Harcourt hopes, Lord Crewe agrees to the principle of discussion at the Conference, I am to suggest that a committee should be appointed, with representatives of the India Office and the Colonial Office, to consider and make recommendations as to the precise form in which the question should be raised by His Majesty's Government and the points which should be made. And as the Asiatic legislation in the Dominions deals with Asiatics other than British Indians, it would be well that a representative of the Foreign Office also should serve on the committee.

6. I am to request the favour of an answer to this letter at the earliest possible date, as the agenda for the Imperial Conference must be settled at a very early date.

I am, &c.,

C. P. LUCAS.

34804

No. 467.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by 931, not printed: it accepted conference.]

SIR,

Downing Street, 29 December, 1910.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, a copy of a letter† addressed to the India Office, suggesting that the question of the position and treatment of Asiatics in the self-governing Dominions should be discussed at the next Imperial Conference, and that an Inter-Departmental Committee, with representatives of the India Office, Foreign Office, and Colonial Office, should be appointed to consider and make recommendations as to the precise form in which the question should be raised.

Mr. Harcourt understands that this proposal is accepted by the Secretary of State for India, and he will be glad to learn that it also commends itself to Sir Edward Grey and that representatives of the Foreign Office, not exceeding two in number, can be appointed for the Inter-Departmental Committee.

I am, &c.,

C. P. LUCAS.

* No. 450.

† No. 465.

1911

No. 468.

THE LONDON ALL-INDIA MOSLEM LEAGUE to COLONIAL OFFICE.

(Received 20 January, 1911.)

[Copy to India Office, February 8, 1911. L.F.]

[Answered by No. 469.]

42, Queen Anne's Chambers, Broadway,

Westminster, S.W., 19th January, 1911.

SIR,

I HAVE the honour to enclose herewith a letter having regard to the position and grievances of Indian subjects of His Majesty in the self-governing Dominions, and more particularly in South Africa, and request the favour of your submitting it for the consideration of the Right Honourable the Secretary of State for the Colonies.

I have, &c.,

M. T. KADERBHOY,

Honorary Secretary.

Enclosure in No. 468.

The London All-India Moslem League,

42, Queen Anne's Chambers, Broadway,

Westminster, S.W., 19th January, 1911.

SIR,

I AM directed to convey to the Right Honourable the Secretary of State the warmest thanks of the Committee of this League for the letter of the 14th ultimo,* signed by Sir Charles Lucas, respecting the detailed representation we had the honour to submit a few weeks ago upon the position and grievances of Indian subjects of His Majesty in the self-governing Dominions, and more particularly in South Africa. The Committee wish me to express their gratification to receive the intimation that the questions raised in the representation are receiving the earnest consideration of His Majesty's Government, for they believe the announcement will have a reassuring effect in India. In reference to the three points of detail mentioned in the letter of Sir C. P. Lucas, my Committee desire to make a few brief observations.

2. My Committee beg first to express their satisfaction that the regulation excluding Indians over the age of fourteen from the Natal Government Schools was rescinded before the date of their letter. They trust that full effect is being given to the rescindment, and that in actual practice needless and illegal obstacles are not placed in the way of the acquisition by Indian children of adequate education.

3. My Committee are well aware that in a technical sense "the Cape franchise as it existed at the date of the South African Union, is in no way restricted by the terms of the South Africa Act, 1909." But they venture to affirm that in a practical sense such restriction has been imposed, and that they were justified in their previous declaration that in this matter the position of Indians has been made worse instead of better by the confederation. Before the Union the Cape Parliament controlled the affairs of the Colony, being the arbiter of its policy and administration. Now, in common with the other previously existing South African Legislatures, it has become merely a Provincial Council, and the more important affairs of the Colony are legislated upon by a higher authority, namely, the Union Parliament. Yet the Indian franchise in Cape Colony has not been made applicable to elections to the Union Parliament. Hence my Committee feel they are justified in submitting that its possessors have suffered reduction in status and been deprived of rights of citizenship hitherto enjoyed. Their general qualifications as to the ownership of property, &c., remain the same, but they no longer have a voice in the conduct of legislative affairs in the fullest sense. They have suffered a considerable measure of disfranchisement, and a differentiation has been arbitrarily made

* No. 465.

between them and the European and Africander voters on grounds of race alone. Their exclusion is the less justifiable since questions affecting the position of Indians in the country will henceforth be dealt with mainly by the Union Parliament.

4. With reference to the complaints made in our representation as to the unfair application towards Indian traders of the Natal Dealers Licences Act, 1897, my Committee note that an appeal lies to the Supreme Court in cases where the renewal of an existing licence is refused by the licensing authority. I am directed to point out, however, that there is still no appeal possible in regard to refusals to grant new licences. This is a serious grievance; and the position can only be properly understood when it is borne in mind that the licensing boards frequently consist in no small degree of traders, or friends and business associates of traders, personally interested in checking Indian competition; and that, consequently, the boards may, and sometimes do, come to conclusions not in accordance with the wishes of the general European population. There can be no doubt that, as in the case of liquor licences in this country, applications for new licences or for renewals should be dealt with by a judicial and not a municipal authority. But as the Natal law has otherwise directed, there should be the safeguard of appeal to the Supreme Court against refusals of applications for new licences as well as for renewals. The present law stands in the way of business enterprise on the part of established Indian traders in meeting changed conditions by removals from one part of a locality to another or by other adaptations to local circumstances. Moreover, the attitude of the Natal licensing boards is liable to be followed in other parts of the Dominion; indeed, my Committee are informed that this tendency is already observable in Cape Colony.

5. I am directed to add, in reference to paragraphs 11 and 12 of my former letter, that my Committee have noted with somewhat mixed feelings the decision of the Government of India to exercise the statutory powers recently acquired by issuing a notice in April next prohibiting further indentured emigration to Natal after July 1st next. My Committee feel that this decision is wise and just, being called for as in some sense a measure of retaliation. Nevertheless, as loyal citizens of the Empire, they cannot regard with unqualified complacency the spectacle of the greatest Dependency of the Crown being driven to protect its people in this manner from ill-treatment in other portions of the Empire. At best the measure checks the further growth of a great evil; but it does not protect from inconsiderate treatment the many thousands of British Indians now domiciled in South Africa. Above all it does not meet what is, after all, by far the most serious feature of the whole problem—the grave injury to Imperial interests arising from the feeling of indignation and keen sense of injustice which, as pointed out in the League's representation, is shared by all classes of His Majesty's Indian subjects in reference to the lot of their fellow-countrymen in the self-governing Dominions.

6. In these circumstances my Committee earnestly desire to see a fulfilment of the rumours which have been circulated of late that a proposed settlement of the Indian problem is to come under the consideration of the Union Parliament. They feel that the present opportunity for His Majesty's Ministers to press for a fair and reasonable settlement should be utilised to the fullest extent, both by representations to the Union Government and through the medium of the forthcoming Imperial Conference. In view of the overwhelming importance of a settlement being reached, they would renew most earnestly the appeal made in paragraph 18 of my last letter* for the inclusion of one or more Indians in the Conference for the discussion of this most serious problem. The question of a solution so closely affects the happiness and contentment of the Indian peoples that my Committee hold it to be very important that the Indian point of view should be put by representatives acquainted at first hand with the feelings of their countrymen, and they are confident that the presence of such representatives would be of great assistance in arriving at conclusions satisfactory both to the people of India and the Empire as a whole.

I have, &c.,

M. T. KADERBHOY,

Honorary Secretary.

* No. 464.

1911

No. 469.

COLONIAL OFFICE to THE LONDON ALL-INDIA MOSLEM LEAGUE.

[Copy to India Office, 8 February, 1911. L.F.]

SIR,

Downing Street, 8 February, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter, with enclosure, of the 19th ultimo,* relative to the position and grievances of British Indians in the self-governing Dominions, and especially in the Union of South Africa, and of your letter of the 25th ultimo† correcting the statement, contained in paragraph 3 of the enclosure, with regard to the franchise in Cape Colony.

2. With regard to the request, contained in paragraph 6 of your letter of 19th January, for the inclusion of one or more Indians in the forthcoming Imperial Conference, I am to state that this Conference is a Conference of Ministers only, and that the interests and views of British Indians will be there represented by the Secretary of State for India.

I am, &c.,
H. W. JUST.

11161

No. 470.

INDIA OFFICE to COLONIAL OFFICE

(Received 5 April, 1911.)

[Answered by No. 471.]

(Confidential.)

SIR,

India Office, Whitehall, S.W., 5th April, 1911.

WITH reference to my letter of the 28th December‡ regarding the suggestion for the discussion at the Imperial Conference of the position of British Indians in the self-governing Dominions, I am directed by Viscount Morley to transmit, for the consideration of Mr. Secretary Harcourt, two copies of a confidential memorandum on the subject compiled in this Office.

It may be considered desirable for the Inter-departmental Committee on the subject to meet again shortly.

I have, &c.,
R. RITCHIE.

Enclosure in No. 470.

(Confidential.)

BRITISH INDIANS IN THE DOMINIONS.

GENERAL CONSIDERATIONS.

The general principles which His Majesty's Government desired to maintain in regard to the relations between His Majesty's Indian subjects and the self-governing Dominions were thus stated by Mr. Chamberlain in the course of his address to the Conference of Colonial Premiers in 1897:—

"We quite sympathise with the determination of the white inhabitants

See O. 8396 (1897), page 12.

of the Colonies which are in comparatively close proximity to millions and hundreds of millions of Asiatics that there shall not be an influx of people alien in civilization, alien in religion, alien in customs, whose influx, moreover, would most seriously interfere with the legitimate rights of the existing labour population. An immigration of that kind must, I quite understand, in the interest of the Colonies, be prevented at all hazards, and we shall not offer any opposition to the proposals intended with that object, but we ask you also to bear in mind the traditions of the Empire, which makes no distinction in

* No. 468. † Not printed. ‡ 39685: not printed (it agreed to the proposed conference).

favour of, or against, race and colour; and to exclude, by reason of their colour, or by reason of their race, all Her Majesty's Indian subjects or even all Asiatics, would be an act so offensive to those peoples that it would be most painful, I am quite certain, to Her Majesty to have to sanction it. Consider what has been brought to your notice during your visit to this country. The United Kingdom owns, as its brightest and greatest dependency, that enormous Empire of India, with 300,000,000 of subjects, who are as loyal to the Crown as you are yourselves, and among them there are hundreds and thousands of men who are every whit as civilised as we are ourselves who are, if that is anything, better born in the sense that they have older traditions and older families, who are men of wealth, men of cultivation, men of distinguished valour, men who have brought whole armies and placed them at the service of the Queen, and have in times of great difficulty and trouble, such for instance as on the occasion of the Indian Mutiny, saved the Empire by their loyalty. I say you, who have seen all this, cannot be willing to put upon those men a slight, which I think is absolutely unnecessary for your purpose, and which would be calculated to provoke ill-feeling, discontent, irritation, and would be most unpalatable to the feelings not only of Her Majesty the Queen but of all her people.

"What I venture to think you have to deal with is the character of the immigration. It is not because a man is of different colour from ourselves that he is necessarily an undesirable immigrant, but it is because he is dirty, or he is immoral, or he is a pauper, or he has some other objection which can be defined in an Act of Parliament, and by which the exclusion can be managed with regard to all those whom you really desire to exclude. Well, gentlemen, this is a matter I am sure for friendly consultation between us. As I have said, the Colony of Natal has arrived at an arrangement which is absolutely satisfactory to them, I believe, and remember they have, if possible, an even greater interest than you, because they are closer to the immigration which has already begun there on a very large scale, and they have adopted legislation which they believe will give them all that they want, and to which the objection I have taken does not apply, which does not come in conflict with this sentiment I am sure you share with us; and I hope, therefore, that during your visit it may be possible for us to arrange a form of words which will avoid hurting the feelings of any of Her Majesty's subjects, while at the same time it would amply protect the Australian Colonies against any invasion of the class to which they would justly object."

The position of India in the British Empire was again emphasised by Mr. Asquith at the Colonial Conference of 1907, when he said:—

"We should never, under any conceivable circumstances, accept here a preference granted to us only in respect of goods carried in ships in which the whole of our fellow subjects in India were not allowed to serve. We could not possibly accede to that, and everybody here would say we would rather have no preference at all than preference limited by such a condition as that."

PARTICULAR DIFFICULTIES.

It is unnecessary to recapitulate the course of events since 1897, but the forms in which Asiatic questions have arisen in the self-governing Colonies may be briefly indicated.

South Africa: Natal.—In Natal, which alone imported Indian labour, the resident Indian population was increased by a large influx of coolies who, at the end of their indentures, remained in the Colony subject to special taxation, and by a small "free" immigration of persons who were able to pass the education test imposed by the Immigration Act. Difficulties arose about traders' licences, municipal franchise, and the education of Indian children, and these were accentuated by the passing in 1908 by the Natal Parliament of two Bills which were reserved

and have not come into operation,* one to bring to an end the issue of new trading licences to Asiatics, the other to prohibit after a certain time the holding of trading licences by Asiatics. In 1909, however, the Dealers' Licences Act of 1897 was so amended as to allow an appeal to the

* See Despatch to India No. 50, Public, dated 19th March, 1909.

Supreme Court on the renewal of existing licences, though not on their transfer or on the issue of new licences.

South Africa: Transvaal.—In the Transvaal, which most of the resident Indians had left during the war, acute difficulties were caused by an influx of Indians after annexation, and by doubts as to the exact effect of some of the laws and regulations of the South African Republic. Under the Peace Preservation Ordinance permits to Asiatics to enter the Colony were granted only to persons who had resided before the war. This provision was stereotyped by the Asiatic Law Amendment Act of 1907, passed immediately after the grant of responsible government, and, although the Immigrants Restriction Act of the same year was in form modelled on the Natal Act, the effect of the two Acts read together was that no Asiatic, however well educated, could claim as a right to enter the Colony unless he could prove that he was before the war a *bonâ fide* resident. This position, which had no parallel in any other part of the Empire, was, with great reluctance, accepted by His Majesty's Government. The stringent provisions for proof of the identity of lawful residents, though declared by the Transvaal Government to be necessitated by the trade in forged documents, gave rise to an acute and bitter controversy, which was allayed only for a few months by an amending Act of 1908. On the one hand the Indians deliberately adopted a policy of passive resistance to the law, on the other hand some of the incidents of imprisonment and deportation of Indians awoke in India itself a feeling of indignation the sincerity and the importance of which were very imperfectly appreciated in South Africa.

South Africa: Cape of Good Hope and Orange Free State.—In Cape Colony, which allowed the entry only of Indians who could pass an education test, and in the Orange Free State, where an Asiatic question had never arisen, nothing has recently happened which calls for notice, except for one or two complaints that old residents who went back to India on a temporary permit were refused re-admission to Cape Colony on technical grounds, which caused hardship.

Union of South Africa.—Under the Act of Union matters differentially affecting Asiatics were reserved for the Union Government. The Union Immigration Bill of 1911 preserves Provincial boundaries, thus preventing the free transit through the Union of Indians lawfully resident in any one Province, but as regards new immigrants an education test at the ports of entry is being established, while power is being taken to issue visiting passes to Asiatics who would otherwise be prohibited immigrants. The stoppage of indentured emigration from India to Natal will prevent the further recruitment of the uneducated classes of Indians within the Union. Thus, in South Africa, the problem henceforth will practically be that of the government of a resident Asiatic population, considerable in numbers only in Natal. The proposed repeal of the Transvaal Asiatic Law Amendment Act, of 1907, the compromise reached on the question of railway travelling, and the grant of a right of appeal in Natal on existing trading licences, should do something to allay the recent friction.

Australia.—In Australia the education test for immigrants has been so administered as practically to exclude fresh Asiatic immigration, but a system has been established of admitting visitors of position who are furnished with certificates by local Governments in India. But controversy has been caused by the exclusion of Asiatic seamen from steamers carrying mails, and the exclusion, in an Act passed by the Commonwealth Parliament in 1906, of goods carried in ships employing lascars, from preferential treatment. This Act was reserved, and did not come

[Cd. 1630] (1903), pages 4, 5.

into operation. His Majesty's Government in 1903, pointed out the impossibility of continuing their association with the Commonwealth in a mail-contract based on the principle of the exclusion of a class of British subjects from employment (mainly in tropical or sub-tropical waters). They deeply regretted "that their feeling of obligation" in this matter is not shared by the Parliament of the Commonwealth, and that in "regard to a matter which cannot affect the conditions of employment in Australia, and in no way affects that purity of race which the people of Australia justly value, they should have considered it desirable to dissociate themselves so completely from the obligations and policy of the Empire."

As regards Indians resident within the Commonwealth, the Government of India recognise that restrictions against Asiatics are aimed chiefly against Japanese and Chinese. Several points of detail have arisen for discussion during the last few years: for example, the admission of Asiatics to old age pensions (which by the Commonwealth Act 17 of 1908 are granted to Asiatics born in Australia), the

employment of Asiatics in shops and factories in New South Wales, and the grant of land to Asiatics in that State.

New Zealand.—New Zealand in 1899 passed an Immigration Restriction Act embodying the principle of the Natal Act (but leaving Chinese under special legislation), but little difficulty has been caused by any question of Indian immigration to the Dominion. The New Zealand Shipping Bill of 1910, however, contains an acutely contentious clause penalising any ships wholly or partly manned by Asiatics. This clause, it may be observed, is of wide application, as it covers not only the New Zealand coasting trade, but also trade between New Zealand and Australia. It would thus extend to ships which touch at Australian and New Zealand ports in the course of a long voyage beginning and ending beyond Australasian waters and beyond the jurisdiction of the New Zealand Parliament. The disability which it would impose on Indian seamen is serious and far reaching. It would tend to exclude them from employment on one of the main commercial routes in the Eastern Seas—an employment for which they are thoroughly well suited and on which they have been employed for many generations. The objections which, as has already been mentioned, Mr. Chamberlain took to the clause in the Commonwealth Postal Act of 1901, excluding Asiatic seamen from mail steamers, apply with equal force to the New Zealand Bill. This Bill is still under discussion.

The Dominion of Canada has not adopted legislation of the type introduced elsewhere (a provincial Immigration Act on Natal lines passed by the British Columbia Legislature was, in fact, disallowed by the Dominion Government). But by the Immigration Acts of 1906, 1908, and 1910, the Governor-General in Council has been empowered to exclude by proclamation or order immigrants whose residence in the Dominion is not desired. In 1906 the phrase used was, "prohibit the landing" in Canada of any specified class of immigrants. In 1908 "any specified class of immigrants or of any immigrants who, being natives or citizens of any specified country, have come to Canada otherwise than by a continuous journey from that country, or through tickets purchased there." The 1910 Act empowers the Governor-General in Council, "by proclamation or

Clause 38.

"order whenever he deems it necessary or expedient," to prohibit the landing (a) "of any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalised citizen, and upon a through ticket purchased in that country, or prepaid in Canada"; (b) "of passengers brought by any transportation company which does not comply with the Act"; (c) "for a stated period, or permanently" of immigrants belonging to any race deemed unsuited to the climate or requirements of Canada, or of immigrants of any specified class, occupation, or character."

The preceding clause of the Act empowers the Governor-General in Council to prescribe for immigrants and tourists the possession of a minimum amount of money, which "may vary according to the race, occupation, or destination of such immigrant or tourist, and otherwise according to the circumstances." This clause also provides for the production of passports by persons coming directly or indirectly from countries which issue passports.

Clause 37.

Under an Order in Council of 3rd June, 1908, which is still in force, the Dominion Government prescribed that every Asiatic immigrant must possess \$200 (40*l.*) except "those with whose countries the Government of Canada has special arrangements" (i.e., Japanese), "or those concerning whose countries special statutory regulations exist on the part of Canada" (i.e., Chinese).

Thus, no British Indian is admitted (except on a permit) unless he comes direct from India and possesses 40*l.* Japanese immigration is restricted by the Government of Japan in accordance with an agreement made direct between the two Governments. The Government of India, however, after full discussion of the subject with a Canadian representative (Mr. Mackenzie King) declared themselves unwilling to take any steps to restrict free emigration from India. (This position is not inconsistent with the Indian practice of granting of certificates to merchants, students, &c., of respectable position who intend to visit Australia. In the latter case authorities in India issue certificates to a few Indians in order that they may show them to the officials in Australia who administer the education test. The arrangements for admitting such persons originated with the Australian authorities. But there is no education test for immigrants in Canada, and the position of the Government of India is that they cannot undertake to prevent Indians from

going to Canada by establishing a passport system, for which fresh legislation would be required, under which they would assume responsibility for deciding whether individuals were suitable for admission to the Dominion. India must continue the policy of allowing free emigration.)

The Indian question in the Dominion is practically confined to British Columbia, whither, since 1907, a number of natives of the Punjab, many of them old soldiers, have proceeded in the hopes of earning high wages, meeting with some encouragement from employers, but with much hostility from white workmen.

The Government of India are satisfied with the present arrangement, though it is to be noted that a British Indian subject is at present required to possess more money than a Japanese alien, because the immigration of the latter is restricted by the Japanese Government. The Dominion Government has always shown readiness to investigate all cases of alleged hardship to individual British Indians.

QUESTIONS OF POLICY.

The foregoing summary shows that the question of Indian immigration affects the several Dominions in different ways and in varying degrees. But the question may be said to fall under three heads:—

- (1.) The entry of new immigrants.
- (2.) The status and condition of Indians who have been allowed to enter.
- (3.) The employment of Indians on ships in Colonial waters.

(1.) *Entry of Immigrants.*

His Majesty's Government fully accept the principle that each of the Dominions must be allowed to decide for itself what elements it desires to accept in its population. The extreme contention urged by some Indians, though not by those who speak with responsibility, that membership of the British Empire shall entitle any British subject to reside where he chooses, is disposed of by acknowledged political facts. At the same time it is of great importance to recognise that subjects of the King, however different in physique, customs, and religion from the European races, are not aliens. It is not sufficiently realised that, for purely local reasons, the Dominions have adopted a policy which puts Asiatic British subjects on the same footing as alien Asiatics. In fact, for reasons noted above, the Dominion of Canada is more rigorous towards British Indian than towards Japanese immigration. A second important fact, generally overlooked, is that some parts of the British Empire have adopted towards Asiatic British subjects a policy of exclusion which foreign nations have found unnecessary. An instance which is unfortunate from the Imperial point of view is that Portuguese South-East Africa formerly permitted unrestricted Asiatic immigration, whilst British South Africa did not, and that the recent Portuguese policy of restriction followed on the measures taken by the Transvaal. It is, of course, the case that the tropical and sub-tropical possessions of European Powers correspond in climate and conditions to the British Crown Colonies, and do not reproduce those local conditions which account for the immigration policy of the Dominions. None the less, it is a striking fact that British Indians are allowed by foreign countries privileges denied to them by the Dominions.

It is useless to attempt to veil the fact that the policy of building up new nations of European blood within the Empire is absolutely incompatible with the idea that every British subject, whatever his race, shall have free right of ingress to any part of the Empire. This being so, all that His Majesty's Government is entitled to ask is that the immigration policy of the Dominions shall be so framed and expressed as to avoid wanton injury to the self-respect of non-European British subjects. The policy, accepted by three of the Dominions, of basing exclusion upon an educational, not a racial, criterion, meets this requirement, although in its application to individual cases it admits of being administered so as to exclude Indians on racial grounds. Other methods of restricting immigration, without in statutory terms differentiating against a particular race, would be: (1) to take power to exclude immigrants belonging to any race deemed unsuited to local climate or requirements, or immigrants of any specified class, occupation, or character; (2) to require immigrants to be in possession of a certain minimum sum of money; (3) to exclude persons who enter under an agreement to serve for wages lower than a certain standard. The first and second of these already find a place in the Canadian law on the subject.

It will not be disputed that each of the Dominions is under the strongest moral obligation to take no isolated action which would involve the Empire in war with a

foreign Power. But it does not appear to have been thoroughly considered that each Dominion owes responsibility to the rest of the Empire for ensuring that its domestic policy shall not unnecessarily create embarrassment in the administration of India. It is difficult for statesmen who have seen Indians represented only by manual labourers and petty traders to realise the importance to the Empire as a whole of a country with some three hundred million inhabitants, possessing ancient civilisations of a very high order, which has furnished and furnishes some of the finest military material in the world to the Imperial forces, and which offers the fullest opportunities to financial and commercial enterprise. It is difficult to convey to those who do not know India the intense and natural resentment felt by veterans of the Indian Army, who have seen active service and won medals under the British flag, and who have been treated by their British officers with the consideration and courtesy to which their character entitles them, when (as has actually happened) they find themselves described as "coolies," and treated with contemptuous severity in parts of the British Empire. Matters like this are, of course, very largely beyond the power of any Government to control, but popular misunderstandings are such a fruitful source of mischief that it seems worth while to put on record the grave fact that a radically false conception of the real position of India is undoubtedly rife in many parts of the Empire.

The immigration difficulty, however, has on the whole been met by a series of statutes which succeed in preventing Asiatic influx without the use of differential or insulting language. It is accepted that the Dominions shall not admit as permanent residents people whose mode of life is inconsistent with their own political and social ideals.

But the admission of temporary visitors, to which this objection does not apply, has not yet been satisfactorily settled. If the question were not so grave, it would be seen to be ludicrous that regulations framed with an eye to coolies should affect ruling princes who are in subordinate alliance with His Majesty, and have placed their troops at his disposal, members of the Privy Council of the Empire, or gentlemen who have the honour to be His Majesty's own Aides-de-Camp. It is, of course, true that no person of such distinguished position would in fact be turned back if he visited one of the Dominions. But these Indian gentlemen are known to entertain very strongly the feeling that, while they can move freely in the best society of any European capital, they could not set foot in some of the Dominions without undergoing vexatious catechisms from petty officials. At the same time the highest posts in the Imperial services in India are open to subjects of His Majesty from the Dominions.

The efforts of the British Government to create and foster a sense of citizenship in India have, within the last few years, undoubtedly been hampered by the feeling of soreness caused by the general attitude of the Dominions towards the people of India. The loyalty of the great mass of Indians to the Throne is a very conspicuous fact, and it is noteworthy that this feeling is sincerely entertained by many Indian critics of the details of British administration. The recent constitutional changes have given the people of the country increased association with the Government, and have at the same time afforded Indians greater opportunities of bringing to the direct notice of Government their views on the wider question of the place of India in the Empire. The gravity of the friction between Indians and the Dominions lies in this, that on the Colonial question, and on that alone, are united the seditious agitators and the absolutely loyal representatives of moderate Indian opinion. The Government of India, while appreciating the Colonial point of view, cannot, and do not wish to, dissociate themselves from the general feeling of disappointment at the unwillingness of the Dominions to recognise that Indians are entitled to consideration. Many highly-educated and well-bred Indians have a natural and laudable desire to see other parts of the Empire, but at present are deterred from visiting the Dominions. It is earnestly hoped by His Majesty's Government that the measures necessary to prevent such an influx of the lower classes of Indians as would modify the population of the Dominions and create grave internal difficulties will not be extended to visitors of good social rank, merchants of sound commercial position who have interests outside India, or students who have attained to University standing.

(2.) *The status of Indians resident in the Dominions.*

It is in South Africa alone that there is any large resident Indian population, and its existence here is in the main due to the deliberate importation by Natal

(inaugurated under Crown Colony but continued under Responsible Government) of contract Indian labour. In Canada and Australia Indian immigrants have been comparatively few in number and have come on their own commercial business. But in South Africa—apart from the entry of some representatives of those Indian traders who have for centuries past done business on the east coast of tropical Africa—the Indian element is, in origin, due to the action of Government undertaken at the instance and in the interests of a very important section of the European population of Natal.

So far, then, as an Indian population exists, the Dominions can do much to allay unrest in India by abstaining from any administrative policy which could be represented as showing an intention to expel them, or to reduce them to a position of degradation. In South Africa Indians compete chiefly with European traders—often with a low class of Europeans of alien origin—while in British Columbia they are in competition with white workmen. It is thus inevitable that from time to time this economic rivalry should lead to friction. But the treatment of Indian traders by municipal authorities in Natal has at times been flagrantly unfair, and even now security for permanence of trading rights is given, by means of Appeal to the Supreme Court against licensing boards, only to individuals who already possess trading licences. The transfer of existing or the grant of new licences is entirely in the hands of municipal authorities. Certain schemes of legislation in Natal, and of administrative measures in the Transvaal, have caused much apprehension among Indians, and it is to be hoped that, when the Union has satisfied itself that safeguards against unlimited Asiatic immigration have been provided, it will be possible to treat the resident Indians generously.

Any system of generous treatment may be held to involve:—

- (1) Avoidance of any measures calculated to take away the means of livelihood from respectable traders by vexatious regulations;
- (2) Restriction of sanitary measures to cover real sanitary needs, and regulations adequate to prevent the use of such measures as an indirect means of disturbing Indian residents;
- (3) The grant of educational facilities, which, of course, need not lead to the admission of Asiatic and European children into mixed primary schools;
- (4) A determination not to utilise immigration laws to banish lawful residents by means of legal quibbles, or to break up domiciled families, or to refuse temporary admission on visiting permit to relatives whose presence is urgently required by resident Indians. (Such an incident as the refusal of a permit to a son to attend the funeral of his father, which is alleged to have occurred in British Columbia, would create very bitter feeling amongst a people who attach supreme importance to funeral rites.)

It is practically certain that there will never be any large Indian population in Canada, Australia, or New Zealand, the Dominions in which the aboriginal population is small, and in some cases decreasing, and which will in the ordinary course of events be, for all practical purposes, purely European. But in South Africa not only does the native population so enormously outnumber the whites that unskilled labour will probably always remain in native hands, but a small Asiatic element has existed for nearly two centuries. Cape Colony has found it possible to govern without friction and to utilise the "Malays" imported by the Dutch East India Company, who are Muhammadan in religion and distinctive in their social habits. They have established a position as fishermen, drivers, and petty agriculturists. It cannot be maintained that South Africa can accommodate only white and black, and has no place for the brown races. For although in a comparatively recently colonised area, such as the territories of the two former republics, this might be argued, Cape Colony affords an example of a large element, consisting not only of the "Malays," but of the "coloured people," which is intermediate in civilization and habits between the native Africans and the Europeans. There is no intention to minimise the difficulties caused by the presence of an intermediate element, whether of mixed blood or purely Asiatic. But it is believed that equitable administration can prevent these difficulties from becoming dangers.

(3.) *The employment of Indians in Ships in Colonial Waters.*

It is unnecessary to add much to what is said on this point in the historical summary. But it may be observed that the desire of any Dominion to build up its

own fleet of merchant shipping and to regulate its own coasting trade could apparently be met by legislation which insisted on the desired conditions of employment on ships without introducing racial discriminations. There is, from the Indian point of view, a vital difference (largely, no doubt, sentimental), but from the Dominion point of view no practical difference, between an Act passed by New Zealand which penalised all ships in the coasting trade employing Asiatics and one which penalised only ships on which wages below a fixed standard were paid to any of the hands.

India Office,
27th March, 1911.

11161

No. 471.

COLONIAL OFFICE to INDIA OFFICE.

Downing Street, 12 April, 1911.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your confidential letter of the 5th of April,* transmitting copies of a confidential memorandum on the position of British Indians in the self-governing Dominions. As at present advised Mr. Harcourt has no observations to offer on this memorandum, but considers that it is desirable that the Inter-departmental Committee should meet again shortly with a view to a final recommendation as to the form in which the question should be raised at the Imperial Conference.

I am, &c.,
H. W. JUST.

* No. 470.

Confidential.

APPENDIX I.

IMPERIAL CONFERENCE, 1911.

UNITED KINGDOM.—IMPORTS AND EXPORTS
FROM AND TO FOREIGN COUNTRIES
AND BRITISH POSSESSIONS, 1854-1910.

Tables showing the Value of the Imports into, and
Exports from the United Kingdom (Merchandise
only) in Trade with Foreign Countries and with
British Possessions, respectively, in each Year since
1854.

PREPARED BY THE BOARD OF TRADE.

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United Kingdom.—Imports and Exports from and to Foreign Countries and British Possessions, 1854–1910.

1. Imports.

STATEMENT showing the VALUE of the IMPORTS of MERCHANDISE into the UNITED KINGDOM from FOREIGN COUNTRIES and BRITISH POSSESSIONS, respectively, in each of the under-mentioned YEARS; with the ANNUAL AVERAGE for each QUINQUENNIAL PERIOD, and the PROPORTION of the TOTAL IMPORTS received from FOREIGN COUNTRIES and BRITISH POSSESSIONS.

Years.	Total Value of Imports of Merchandise.	Value of Imports from Foreign Countries.		Value of Imports from British Possessions.	
		Amount.	Per Cent.	Amount.	Per Cent.
	Thousand £.	Thousand £.		Thousand £.	
1854 - - - - -	152,389	118,240	77·6	34,149	22·4
1855 - - - - -	143,543	109,960		33,583	
1856 - - - - -	172,544	129,517		43,027	
1857 - - - - -	187,844	141,661		46,183	
1858 - - - - -	164,584	125,970		38,614	
1859 - - - - -	179,182	139,708		39,474	
Annual average, 1855–9	169,539	129,365	76·3	40,176	23·7
1860 - - - - -	210,531	167,571		42,960	
1861 - - - - -	217,485	164,809		52,676	
1862 - - - - -	225,717	160,434		65,283	
1863 - - - - -	248,919	164,235		84,684	
1864 - - - - -	274,962	181,208		93,754	
Annual average, 1860–4	235,521	167,651	71·2	67,870	28·8
1865 - - - - -	271,072	198,231		72,841	
1866 - - - - -	295,290	223,084		72,206	
1867 - - - - -	275,183	214,419		60,764	
1868 - - - - -	294,694	227,700		66,994	
1869 - - - - -	295,460	225,044		70,416	
Annual average, 1865–9	286,340	217,702	76·0	68,638	24·0
1870 - - - - -	303,257	238,425		64,832	
1871 - - - - -	331,015	258,071		72,944	
1872 - - - - -	354,694	275,321		79,373	
1873 - - - - -	371,287	290,277		81,010	
1874 - - - - -	370,083	287,920		82,163	
Annual average, 1870–4	346,067	270,003	78·0	76,064	22·0
1875 - - - - -	373,940	289,516		84,424	
1876 - - - - -	375,155	290,822		84,333	
1877 - - - - -	394,420	304,866		89,554	
1878 - - - - -	368,771	290,835		77,936	
1879 - - - - -	362,992	284,049		78,943	
Annual average, 1875–9	375,056	292,018	77·9	83,038	22·1
1880 - - - - -	411,230	318,711		92,519	
1881 - - - - -	397,023	305,483		91,540	
1882 - - - - -	413,020	313,589		99,431	
1883 - - - - -	426,892	328,210		98,682	
1884 - - - - -	390,019	294,206		95,813	
Annual average, 1880–4	407,637	312,040	76·5	95,597	23·5

1. Imports—continued.

Years.	Total Value of Imports of Merchandise.	Value of Imports from Foreign Countries.		Value of Imports from British Possessions.	
		Amount.	Per Cent.	Amount.	Per Cent.
	Thousand £.	Thousand £.		Thousand £.	
1885 - - - - -	370,968	286,566		84,402	
1886 - - - - -	349,863	267,979		81,884	
1887 - - - - -	362,228	278,429		83,799	
1888 - - - - -	387,636	300,720		86,916	
1889 - - - - -	427,638	330,372		97,266	
Annual average, 1885-9	379,666	292,813	77.1	86,853	22.9
1890 - - - - -	420,692	324,531		96,161	
1891 - - - - -	433,441	335,976		97,465	
1892 - - - - -	423,794	325,919		97,875	
1893 - - - - -	404,688	312,837		91,851	
1894 - - - - -	408,345	314,346		93,999	
Annual average, 1890-4	418,592	322,722	77.1	95,870	22.9
1895 - - - - -	416,690	321,038		95,652	
1896 - - - - -	441,809	348,514		93,295	
1897 - - - - -	451,029	356,898		94,131	
1898 - - - - -	470,545	370,784		99,761	
1899 - - - - -	485,036	378,134		106,902	
Annual average, 1895-9	453,022	355,074	78.4	97,948	21.6
1900 - - - - -	523,075	413,434		109,641	
1901 - - - - -	521,990	416,305		105,685	
1902 - - - - -	528,391	421,475		106,916	
1903 - - - - -	542,600	428,929		113,671	
1904 - - - - -	551,039	431,020		120,019	
Annual average, 1900-4	533,419	422,233	79.2	111,186	20.8
1905 - - - - -	565,020	438,368		126,652	
1906 - - - - -	607,888	467,974		139,914	
1907 - - - - -	645,808	491,102		154,706	
1908 - - - - -	592,954	464,818		128,136	
1909 - - - - -	624,705	479,453		145,252	
Annual average, 1903-9	607,275	468,343	77.1	138,932	22.9
1910* - - - - -	678,440	507,845	74.9	170,595	25.1

* The figures for 1910 are subject to some slight revision on final examination of the accounts on which they are based.

2. Total Exports.

STATEMENT showing the VALUE of the TOTAL EXPORTS of BRITISH and IRISH and of FOREIGN and COLONIAL PRODUCE (MERCHANDISE ONLY) from the UNITED KINGDOM to FOREIGN COUNTRIES and BRITISH POSSESSIONS, respectively, in each of the under-mentioned Years; with the ANNUAL AVERAGE for each QUINQUENNIAL PERIOD, and the PROPORTION EXPORTED to FOREIGN COUNTRIES and BRITISH POSSESSIONS.

Years.	Total Value of Exports (Merchandise only).	Value of Exports to Foreign Countries.		Value of Exports to British Possessions.	
		Amount.	Per Cent.	Amount.	Per Cent.
	Thousand £.	Thousand £.		Thousand £.	
1854 - - - - -	115,821	79,446	68.6	36,375	31.4
1855 - - - - -	116,691	87,832		28,859	
1856 - - - - -	130,220	102,525		27,695	
1857 - - - - -	146,174	103,738		42,436	
1858 - - - - -	139,783	96,570		43,213	
1859 - - - - -	155,693	106,012		49,681	
Annual average, 1855-9	139,512	99,741	71.6	39,771	28.5
1860 - - - - -	164,521	117,988		46,533	
1861 - - - - -	159,632	114,493		45,139	
1862 - - - - -	166,168	120,744		45,424	
1863 - - - - -	196,902	141,932		54,970	
1864 - - - - -	212,620	156,908		55,712	
Annual average, 1860-4	179,969	130,413	72.5	49,556	27.5
1865 - - - - -	218,832	167,285		51,547	
1866 - - - - -	238,906	182,728		56,178	
1867 - - - - -	223,802	172,440		51,362	
1868 - - - - -	227,778	174,060		53,718	
1869 - - - - -	237,015	185,123		51,892	
Annual average, 1865-9	229,666	176,129	76.7	53,537	23.3
1870 - - - - -	244,080	188,689		55,391	
1871 - - - - -	283,575	228,011		55,564	
1872 - - - - -	314,589	248,980		65,609	
1873 - - - - -	311,005	239,857		71,148	
1874 - - - - -	297,650	219,740		77,910	
Annual average, 1870-4	290,180	225,056	77.6	65,124	22.4
1875 - - - - -	281,612	204,957		76,655	
1876 - - - - -	256,777	186,627		70,150	
1877 - - - - -	252,946	176,594		76,352	
1878 - - - - -	245,484	173,491		71,993	
1879 - - - - -	248,783	182,274		66,509	
Annual average, 1875-9	257,000	184,788	71.9	72,212	28.1
1880 - - - - -	266,414	204,887		61,527	
1881 - - - - -	297,083	210,402		86,681	
1882 - - - - -	306,661	214,323		92,338	
1883 - - - - -	305,437	215,036		90,401	
1884 - - - - -	295,969	207,664		88,304	
Annual average, 1880-4	298,312	210,462	70.6	87,850	29.4

2. Total Exports—continued.

Years.	Total Value of Exports (Merchandise only).	Value of Exports to Foreign Countries.		Value of Exports to British Possessions.	
		Amount.	Per Cent.	Amount.	Per Cent.
	Thousand £.	Thousand £.		Thousand £.	
1885 - - - - -	271,474	185,985		85,489	
1886 - - - - -	268,959	186,727		82,232	
1887 - - - - -	281,263	198,993		82,270	
1888 - - - - -	298,578	206,850		91,728	
1889 - - - - -	315,593	224,757		90,836	
Annual average, 1885-9	287,173	200,662	70.0	86,511	30.0
1890 - - - - -	328,252	233,730		94,522	
1891 - - - - -	309,114	215,776		93,338	
1892 - - - - -	291,640	210,356		81,284	
1893 - - - - -	277,138	198,474		78,664	
1894 - - - - -	270,786	195,133		75,653	
Annual average, 1890-4	295,986	210,694	71.2	85,292	28.8
1895 - - - - -	285,832	209,698		76,139	
1896 - - - - -	296,379	205,676		90,703	
1897 - - - - -	294,174	207,123		87,051	
1898 - - - - -	291,014	203,903		90,111	
1899 - - - - -	*320,338	*226,393		*93,945	
Annual average, 1895-9	*298,147	*210,557	70.6	*87,590	29.4
1900 - - - - -	*345,786	*244,535		*101,251	
1901 - - - - -	*338,715	*225,962		*112,753	
1902 - - - - -	*343,367	*227,113		*116,251	
1903 - - - - -	*356,084	*237,571		*118,513	
1904 - - - - -	*366,556	*246,960		*119,596	
Annual average, 1900-4	*350,101	*236,428	67.5	*113,673	32.5
1905 - - - - -	*402,132	*279,578		*122,574	
1906 - - - - -	*452,023	*321,378		*130,645	
1907 - - - - -	*507,953	*361,471		*146,482	
1908 - - - - -	*446,159	*311,464		*131,695	
1909 - - - - -	*463,595	*327,191		*136,401	
Annual average, 1905-9	*454,376	*320,217	70.5	*134,159	29.5
1910† - - - - -	*525,595	*367,579	69.9	*158,016	30.1

† The figures for 1910 are subject to some slight revision on final examination of the accounts on which they are based.
 * Excluding the value of ships and boats (new) with their machinery, the value of these exports not having been recorded prior to 1899. The following statement shows the value of the exports of ships and boats in each year since 1899.

STATEMENT showing the VALUE of the TOTAL EXPORTS from the UNITED KINGDOM of SHIPS and BOATS (new) with their MACHINERY, of BRITISH and IRISH and of FOREIGN and COLONIAL MANUFACTURE, in each Year from 1899 to 1910.

Years.	Total Value of Exports	Value of Exports to Foreign Countries.	Value of Exports to British Possessions.	Years.	Total Value of Exports.	Value of Exports to Foreign Countries.	Value of Exports to British Possessions.
	Thousand £.	Thousand £.	Thousand £.		Thousand £.	Thousand £.	Thousand £.
1899 -	9,197	8,820	377	1905 -	5,445	4,472	973
1900 -	8,587	7,755	832	1906 -	8,654	7,911	743
1901 -	9,149	8,694	455	1907 -	10,024	8,179	1,845
1902 -	5,872	4,547	1,325	1908 -	10,569	8,515	2,054
1903 -	4,289	3,318	971	1909 -	5,930	4,459	1,471
1904 -	4,460	3,272	1,188	1910 -	8,771	7,404	1,367

3. Exports of United Kingdom Produce.

STATEMENT showing the VALUE of the EXPORTS of BRITISH and IRISH PRODUCE (MERCHANDISE ONLY) from the UNITED KINGDOM to FOREIGN COUNTRIES AND BRITISH POSSESSIONS, respectively, in each of the undermentioned Years; with the ANNUAL AVERAGE for each QUINQUENNIAL PERIOD, and the PROPORTION EXPORTED to FOREIGN COUNTRIES and BRITISH POSSESSIONS.

Years.	Total Value of Exports of British and Irish Produce (Merchandise only).	Value of Exports to Foreign Countries.		Value of Exports to British Possessions.	
		Amount.	Per Cent.	Amount.	Per Cent.
	Thousand £.	Thousand £.		Thousand £.	
1854 - - - - -	97,185	63,333	65.2	33,852	34.8
1855 - - - - -	95,688	69,135		26,553	
1856 - - - - -	115,827	82,527		33,300	
1857 - - - - -	122,066	84,911		37,155	
1858 - - - - -	116,609	76,386		40,223	
1859 - - - - -	130,412	84,268		46,144	
Annual average, 1855-9	116,120	79,445	68.4	36,675	31.6
1860 - - - - -	135,191	92,226		43,665	
1861 - - - - -	125,03	82,857		42,246	
1862 - - - - -	123,992	82,097		41,895	
1863 - - - - -	146,602	95,723		50,879	
1864 - - - - -	160,449	108,735		51,714	
Annual average, 1860-4	138,407	92,327	66.7	46,080	33.3
1865 - - - - -	165,836	117,629		48,207	
1866 - - - - -	188,917	135,198		53,719	
1867 - - - - -	180,962	131,162		49,800	
1868 - - - - -	179,678	129,813		49,865	
1869 - - - - -	190,045	141,955		48,090	
Annual average, 1865-9	181,087	131,151	72.4	49,936	27.6
1870 - - - - -	199,587	147,773		51,814	
1871 - - - - -	223,066	171,816		51,250	
1872 - - - - -	256,257	195,701		60,556	
1873 - - - - -	255,165	188,836		66,329	
1874 - - - - -	239,558	167,278		72,280	
Annual average, 1870-4	234,727	174,281	74.2	60,446	25.8
1875 - - - - -	223,466	152,374		71,092	
1876 - - - - -	200,639	135,780		64,859	
1877 - - - - -	198,893	128,970		69,923	
1878 - - - - -	192,849	126,511		66,338	
1879 - - - - -	191,532	130,530		61,002	
Annual average, 1875-9	201,476	134,853	66.9	66,623	33.1
1880 - - - - -	223,060	147,806		75,254	
1881 - - - - -	234,023	154,658		79,365	
1882 - - - - -	241,467	156,541		84,926	
1883 - - - - -	239,799	156,322		83,477	
1884 - - - - -	233,025	152,149		80,876	
Annual average, 1880-4	234,275	153,515	65.5	80,760	34.5

3. Exports of United Kingdom Produce—*continued*.

Years.	Total Value of Exports of British and Irish Produce (Merchandise only).	Value of Exports to Foreign Countries.		Value of Exports to British Possessions.	
		Amount.	Per Cent.	Amount.	Per Cent.
	Thousand £.	Thousand £.		Thousand £.	
1885 - - - - -	213,115	135,120		77,995	
1886 - - - - -	212,725	137,054		75,671	
1887 - - - - -	221,914	146,544		75,370	
1888 - - - - -	234,535	150,293		84,242	
1889 - - - - -	248,935	165,656		83,279	
Annual average, 1885-9	226,245	146,934	64.9	79,311	35.1
1890 - - - - -	263,531	176,161		87,370	
1891 - - - - -	247,235	161,279		85,956	
1892 - - - - -	227,216	152,399		74,817	
1893 - - - - -	218,260	146,033		72,227	
1894 - - - - -	216,006	143,154		72,852	
Annual average, 1890-4	234,449	155,805	66.5	78,644	33.5
1895 - - - - -	226,128	155,866		70,262	
1896 - - - - -	240,146	155,959		84,187	
1897 - - - - -	234,220	153,463		80,757	
1898 - - - - -	233,359	149,860		83,499	
1899 - - - - -	*255,295	*168,007		*87,289	
Annual average, 1895-9	*237,830	*156,631	65.9	*81,199	34.1
1900 - - - - -	*282,604	*189,002		*93,602	
1901 - - - - -	*270,873	*166,454		*104,419	
1902 - - - - -	*277,532	*169,785		*107,747	
1903 - - - - -	*286,516	*176,336		*110,180	
1904 - - - - -	*296,256	*185,506		*110,750	
Annual average, 1900-4	*282,760	*177,417	62.7	*105,343	37.3
1905 - - - - -	*324,385	*211,131		*113,254	
1906 - - - - -	*366,931	*245,064		*121,867	
1907 - - - - -	*416,017	*279,718		*136,299	
1908 - - - - -	*366,536	*241,825		*124,711	
1909 - - - - -	*372,253	*246,486		*125,767	
Annual average, 1905-9	*369,224	*244,965	66.3	*124,259	33.7
1910† - - - - -	*421,820	*275,868	65.4	*145,952	34.6

† The figures for 1910 are subject to some slight revision on final examination of the accounts on which they are based.
 * Excluding the value of ships and boats (new) with their machinery, the value of these exports not having been recorded prior to 1899. The following statement shows the value of the exports of ships and boats in each year since 1899.

STATEMENT showing the VALUE of the EXPORTS from the UNITED KINGDOM of SHIPS and BOATS (new) with their MACHINERY, of BRITISH and IRISH MANUFACTURE in each Year from 1899 to 1910.

Years.	Total Value of Exports.	Value of Exports to Foreign Countries.	Value of Exports to British Possessions.	Years.	Total Value of Exports.	Value of Exports to Foreign Countries.	Value of Exports to British Possessions.
	Thousand £.	Thousand £.	Thousand £.		Thousand £.	Thousand £.	Thousand £.
1899 -	5,197	8,820	377	1905 -	5,431	4,468	963
1900 -	8,587	7,755	832	1906 -	8,644	7,901	743
1901 -	9,149	8,694	455	1907 -	10,018	8,173	1,845
1902 -	5,872	4,547	1,325	1908 -	10,567	8,513	2,054
1903 -	4,284	3,318	966	1909 -	5,927	4,456	1,471
1904 -	4,455	3,267	1,188	1910 -	8,769	7,403	1,366

APPENDIX II.

IMPERIAL CONFERENCE, 1911.

UNITED KINGDOM.—TRADE WITH FOREIGN COUNTRIES
AND BRITISH POSSESSIONS BY PRINCIPAL GROUPS
OF ARTICLES: IMPORTS AND EXPORTS FROM
AND TO EACH COLONY, &c., 1905-9.

Tables showing the Value of the Imports and Exports of the United Kingdom, distinguishing Articles of Food, Drink, and Tobacco, Raw Materials and Articles mainly Unmanufactured, and Articles wholly or mainly Manufactured, and further distinguishing the Value of such Articles Imported from or Exported to the various British Dominions, Colonies and Possessions.

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[These Tables have been compiled from the "Annual Statement of the Trade of the United Kingdom" for the Year 1909, &c.]

PREPARED BY THE BOARD OF TRADE.

I. IMPORTS INTO THE UNITED KINGDOM CONSIGNED FROM FOREIGN COUNTRIES AND BRITISH POSSESSIONS RESPECTIVELY (1905-1909).

STATEMENT showing the VALUE of the IMPORTS into the UNITED KINGDOM in each of the Years 1905 to 1909, consigned from FOREIGN COUNTRIES and BRITISH POSSESSIONS respectively, distinguishing (1) Articles of Food, Drink, and Tobacco; (2) Raw Materials and Articles mainly Unmanufactured; and (3) Articles wholly or mainly Manufactured.

	1905.	1906.	1907.	1908.	1909.
<i>Articles of Food, Drink, and Tobacco.</i>	£	£	£	£	£
Consigned from Foreign Countries	173,311,000	181,841,000	185,635,000	192,458,000	190,468,000
Consigned from British Possessions	57,989,000	56,317,000	61,656,000	51,676,000	63,851,000
Total - - - - -	231,300,000	238,158,000	247,291,000	244,134,000	254,319,000
Percentages from British Possessions - - - - -	25	24	25	21	25
<i>Raw Materials and Articles mainly Unmanufactured.</i>					
Consigned from Foreign Countries	135,870,000	147,675,000	169,633,000	145,606,000	155,855,000
Consigned from British Possessions	52,048,000	63,428,000	71,616,000	57,849,000	64,290,000
Total - - - - -	187,918,000	211,103,000	241,249,000	203,455,000	220,145,000
Percentages from British Possessions - - - - -	28	30	30	28	29
<i>Articles wholly or mainly Manufactured.</i>					
Consigned from Foreign Countries	127,512,000	136,596,000	134,067,000	125,039,000	131,104,000
Consigned from British Possessions	16,073,000	19,589,000	20,837,000	18,046,000	16,567,000
Total - - - - -	143,585,000	156,185,000	154,904,000	143,085,000	147,671,000
Percentages from British Possessions - - - - -	11	13	13	13	11
<i>Total Imports.*</i>					
Consigned from Foreign Countries	438,368,000	467,974,000	491,102,000	464,818,000	479,453,000
Consigned from British Possessions	126,652,000	139,914,000	154,706,000	128,136,000	145,252,000
Total - - - - -	565,020,000	607,888,000	645,808,000	592,954,000	624,705,000
Percentages from British Possessions - - - - -	22	23	24	22	23

* Including articles imported by parcel post, and also certain other articles not comprised in any of the foregoing groups.

II. EXPORTS OF UNITED KINGDOM PRODUCE TO FOREIGN COUNTRIES AND BRITISH POSSESSIONS RESPECTIVELY (1905-1909.)

STATEMENT showing the VALUE of the EXPORTS, the PRODUCE and MANUFACTURE of the UNITED KINGDOM, in each of the Years 1905 to 1909, distinguishing (1) Articles of Food, Drink, and Tobacco; (2) Raw Materials and Articles mainly Unmanufactured; and (3) Articles wholly or mainly Manufactured, and also distinguishing Consignments to Foreign Countries and to British Possessions.

	1905.	1906.	1907.	1908.	1909.
<i>Articles of Food, Drink and Tobacco.</i>	£	£	£	£	£
To Foreign Countries - - -	10,897,000	12,281,000	13,570,000	13,011,000	14,372,000
To British Possessions - - -	8,503,000	8,834,000	9,160,000	8,927,000	9,237,000
Total - - - - -	19,400,000	21,115,000	22,730,000	21,938,000	23,609,000
Percentages to British Possessions - - - - -	44	42	40	41	39
<i>Raw Materials and Articles mainly Unmanufactured.</i>					
To Foreign Countries - - -	33,537,000	40,369,000	51,857,000	49,489,000	47,868,000
To British Possessions - - -	2,775,000	2,898,000	3,146,000	2,894,000	2,900,000
Total - - - - -	36,312,000	43,267,000	55,003,000	52,382,000	50,768,000
Percentages to British Possessions - - - - -	8	7	6	6	6
<i>Articles Wholly or Mainly Manufactured.</i>					
To Foreign Countries - - -	168,270,000	197,504,000	218,743,000	184,352,000	184,678,000
To British Possessions - - -	100,803,000	108,024,000	123,382,000	112,604,000	112,468,000
Total - - - - -	269,073,000	305,528,000	342,025,000	296,956,000	297,146,000
Percentages to British Possessions - - - - -	37	35	36	38	38
<i>Total Exports.*</i>					
To Foreign Countries - - -	215,599,000	253,566,000	287,891,000	250,339,000	250,942,000
To British Possessions - - -	114,218,000	122,009,000	138,144,000	126,765,000	127,238,000
Total - - - - -	329,817,000	375,575,000	426,035,000	377,104,000	378,180,000
Percentages to British Possessions - - - - -	35	32	32	34	34

* Including articles exported by Parcel Post and also certain other articles not comprised in any of the foregoing groups.

III.—IMPORT AND EXPORT TRADE OF UNITED KINGDOM WITH EACH BRITISH DOMINION, COLONY, AND POSSESSION (1905-1910).

(A.)—Imports.

STATEMENT showing the VALUE of the TOTAL IMPORTS of MERCHANDISE into the UNITED KINGDOM consigned from each BRITISH POSSESSION (including PROTECTORATES) (1905-1910).

Dominions, Colonies &c. from which the Goods were consigned.	Total Imports.					
	1905.	1906.	1907.	1908.	1909.	1910.*
British India - - -	£ 36,039,789	£ 37,722,235	£ 43,912,588	£ 29,588,187	£ 35,430,771	£ 42,813,813
Self-Governing Dominions—						
Union of South Africa—						
Cape of Good Hope* -	4,897,425	5,534,573	7,237,152	6,094,557	7,693,042	7,735,482
Natal - - -	618,937	769,163	1,345,933	1,271,260	1,821,969	2,082,317
Orange Free State -	160	—	—	—	2,005	671
Transvaal - - -	8,541	8,766	12,345	7,137	305,845	455,180
Total from Union of South Africa -	5,525,063	6,312,502	8,595,430	7,372,954	9,822,861	10,273,650
Australian Commonwealth—						
Western Australia† -	§	§	§	§	1,449,222	1,772,726
South Australia (including Northern Territory)† -	§	§	§	§	4,771,230	4,664,477
Victoria† - - -	§	§	§	§	9,006,790	10,220,273
New South Wales† -	§	§	§	§	12,774,289	16,082,216
Queensland† - - -	§	§	§	§	4,100,111	5,301,495
Tasmania† - - -	§	§	§	§	544,773	615,195
Total from Australian Commonwealth -	26,995,126	29,285,146	33,832,413	29,069,554	32,646,415	38,656,382
Dominion of New Zealand -	13,393,973	15,619,013	17,787,809	14,663,841	17,730,866	20,941,898
British North America—						
Dominion of Canada -	24,485,632	28,035,036	25,466,836	24,463,488	25,222,963	25,640,812
Newfoundland (and Labrador) - - -	512,265	631,675	329,973	330,475	325,313	602,771
Total from British North America -	24,997,897	28,666,711	25,796,809	24,793,963	25,548,276	26,243,583
Total from Self-Governing Dominions -	70,912,059	79,883,372	86,012,461	75,900,312	83,748,418	96,115,513
Other Colonies and Possessions—						
Channel Islands - -	1,662,366	1,549,967	1,814,198	1,599,390	1,689,701	1,593,411
Gibraltar - - -	40,723	29,595	35,332	24,393	27,555	32,117
Malta and Gozo - -	40,313	41,760	39,850	34,858	30,573	29,476
Cyprus - - -	134,108	143,810	260,834	185,786	173,024	191,445
West Africa:						
Gambia - - -	26,878	29,012	35,154	34,742	34,394	53,190
Sierra Leone - -	196,854	204,908	204,328	119,955	173,774	197,130
The Gold Coast - -	532,359	583,205	771,962	670,850	693,672	1,065,627
Lagos‡ - - -	301,666	375,633	475,704	—	—	—
Nigerian Protectorate‡ -	1,344,934	1,556,456	1,949,092	—	—	—
The Colony and Protectorate of Southern Nigeria† - - -	—	—	—	2,092,040	2,280,905	3,235,046
Protectorate of Northern Nigeria† - - -	—	—	—	11,847	11,435	7,901

* Exclusive of the value of diamonds imported from the Cape of Good Hope.

† Not shown separately prior to 1909.

‡ Prior to 1908 "Southern Nigeria" and "Northern Nigeria" were included in "Nigerian Protectorates" and "Lagos."

§ Distinction not made in these years.

¶ Provisional figures.

III.—IMPORT AND EXPORT TRADE OF UNITED KINGDOM WITH EACH BRITISH DOMINION, COLONY, AND POSSESSION (1905-1910)—continued.

(A.)—Imports.

STATEMENT showing the VALUE of the TOTAL IMPORTS of MERCHANDISE into the UNITED KINGDOM consigned from each BRITISH POSSESSION (including PROTECTORATES) (1905-1910)—continued.

Dominions, Colonies, &c. from which the Goods were Consigned.	Total Imports.					
	1905.	1906.	1907.	1908.	1909.	1910‡.
Other Colonies and Possessions—cont.	£	£	£	£	£	£
Ascension - - -	23	68	128	171	69	79
St. Helena - - -	66	246	2,108	4,515	4,597	1,896
Rhodesia - - -	20,46	31,868	60,888	90,680	113,895	103,378
Swaziland* - - -	—	—	—	—	3,210	27,582
East Africa:						
Zanzibar and Pemba (Protectorate of) -	152,938	146,464	229,457	147,491	216,859	120,438
East Africa Protectorate† - - -	36,940	96,433	131,866	89,282	173,753	357,693
Uganda Protectorate† -	—	—	—	26,741	19,964	8,597
Nyasaland Protectorate -	9,441	19,810	44,113	53,043	66,279	95,470
Somaliland Protectorate -	92	3,671	114	1,357	851	737
Mauritius and Dependencies - - -	154,541	121,423	317,452	270,168	232,264	674,801
Seychelles Islands - -	32,122	18,746	44,235	34,169	30,746	30,354
Aden and Dependencies -	209,154	251,513	267,534	122,205	187,953	293,807
Straits Settlements and Dependencies, including Labuan - - -	6,746,486	8,769,874	8,954,051	7,892,703	8,071,981	11,585,016
Federated Malay States -	20,872	64,666	83,143	77,509	387,727	1,511,107
Ceylon and Dependencies	4,484,401	4,442,208	5,225,639	5,131,976	5,546,827	5,985,407
Borneo (British)—						
British North Borneo -	3,866	13,372	17,072	41,034	30,533	39,597
Sarawak - - -	10,693	5,186	14,260	13,058	1,487	43,272
Wei-hai-Wei - - -	—	—	—	—	45	40
Hong Kong - - -	341,424	574,263	600,109	510,495	455,674	596,579
Territory of Papua - -	1,490	2,056	858	594	1,420	2,875
Fiji Islands - - -	111,525	21,095	6,927	1,988	216	379
Other Islands in the Pacific (British) - -	46,795	17,982	5,000	12,631	7,725	—
Bermudas - - -	7,089	4,349	2,214	4,991	5,831	4,268
Bahamas - - -	16,438	23,976	40,458	20,383	26,432	23,999
British West India Islands	1,957,205	2,119,807	2,056,549	2,232,256	2,135,168	2,322,678
British Honduras - -	186,634	210,877	180,245	161,900	105,586	110,447
British Guiana - - -	572,915	528,905	565,873	587,474	722,117	777,496
Falkland Islands - -	141,031	144,694	174,579	158,921	202,670	351,061
Deep Sea Fisheries -	154,491	161,327	169,107	185,700	205,838	191,083
Total from British Dominions and Possessions (including Protectorates) -	126,651,897	139,914,333	154,705,542	128,135,795	145,251,939	170,594,738
Total from Foreign Countries - - -	438,368,020	467,974,167	491,102,400	464,817,692	479,453,018	507,845,435
Total from Foreign Countries and British Dominions and Possessions (including Protectorates) -	565,019,917	607,888,500	645,807,942	592,953,487	624,704,957	678,440,173

* Not shown separately prior to 1909.

† Prior to 1908 "Uganda Protectorate" was included in "East Africa Protectorate."

‡ Provisional figures.

III.—IMPORT AND EXPORT TRADE OF UNITED KINGDOM WITH EACH BRITISH DOMINION, COLONY, AND POSSESSION (1905-1910)—*continued*.

(B.)—*Exports*.

STATEMENT showing the VALUE of the TOTAL EXPORTS of the PRODUCE and MANUFACTURES of the UNITED KINGDOM consigned to each BRITISH POSSESSION, including PROTECTORATES (1905-1910).

Dominions, Colonies, &c. to which the Goods were Consigned.	Exports of United Kingdom Produce.					
	1905.	1906.	1907.	1908.	1909.	1910.†
British India—	£	£	£	£	£	£
Bombay (including Karachi) - - -	16,573,015	17,503,951	20,136,287	19,507,620	16,293,222	19,125,416
Madras - - - - -	3,426,327	4,042,042	4,112,391	5,113,118	3,632,426	3,843,370
Bengal - - - - -	19,763,615	19,823,721	23,948,046	19,876,763	19,429,643	19,256,684
Eastern Bengal and Assam - -	243,081	199,262	199,262	250,863	290,794	236,937
Burmah - - - - -	3,233,431	3,568,512	3,631,235	4,670,349	3,935,416	3,540,739
Total to British India -	42,996,388	45,181,307	52,027,221	49,418,713	43,581,501	46,003,146
Self-Governing Dominions—						
Union of South Africa:						
Cape of Good Hope - - -	8,659,470	8,539,029	7,737,382	5,998,894	6,188,013	8,078,504
Natal - - - - -	4,643,360	3,844,028	3,170,051	2,998,894	3,537,600	5,104,748
Orange Free State - - -	314,477	429,896	419,953	371,684	415,929	522,634
Transvaal - - - - -	3,261,279	2,794,081	2,878,160	3,100,032	4,405,369	5,792,514
Total to Union of South Africa -	16,878,586	15,606,034	14,205,546	12,469,504	14,546,911	19,498,400
Australian Commonwealth:						
Western Australia - - -	1,774,756	1,947,387	1,972,031	1,726,629	1,890,532	2,230,571
South Australia (including Northern Territory) - - -	1,607,854	2,077,055	2,482,232	2,358,708	2,494,202	2,838,547
Victoria - - - - -	5,251,552	6,150,490	7,252,143	6,797,753	7,171,744	8,325,027
New South Wales - - -	6,223,970	7,518,238	9,145,619	9,192,707	9,339,699	10,760,312
Queensland - - - - -	1,693,209	2,104,796	2,737,961	2,351,194	2,653,087	2,999,486
Tasmania - - - - -	439,668	430,870	506,669	515,424	449,581	477,473
Total to Australian Commonwealth -	16,991,009	20,228,836	24,096,655	22,942,415	23,998,845	27,631,416
Dominion of New Zealand	6,425,793	7,400,188	8,700,941	8,767,003	7,351,619	8,628,644
British North America:						
Dominion of Canada - - -	11,909,244	13,688,833	17,101,524	12,243,960	15,688,105	19,682,683
Newfoundland (and Labrador) - - - - -	432,209	516,814	445,407	437,261	610,090	963,088
Total to British North America -	12,341,453	14,205,647	17,546,931	12,681,221	16,298,195	20,645,771
Total to Self-Governing Dominions -	52,636,841	57,440,705	64,550,073	56,860,143	62,195,570	76,404,231
Other Colonies and Possessions—						
Channel Islands - - -	1,100,099	1,127,539	1,188,857	1,282,513	1,251,689	1,283,684
Gibraltar - - - - -	765,222	744,905	631,744	603,888	585,304	573,034
Malta and Gozo - - -	1,076,471	1,005,754	946,089	952,925	800,756	841,464
Cyprus - - - - -	138,142	121,782	161,671	139,530	131,987	104,213
West Africa—						
Gambia - - - - -	79,175	114,084	114,516	94,892	100,824	150,260
Sierra Leone - - - -	315,829	370,650	436,262	396,157	431,618	537,141
The Gold Coast - - -	762,340	970,142	1,144,297	1,076,282	1,141,344	1,674,230
Lagos* - - - - -	680,597	662,640	975,351	—	—	—
Nigerian Protectorates* -	948,706	920,103	1,300,844	—	—	—
The Colony and Protectorate of Southern Nigeria* - - -	—	—	—	2,279,584	2,388,529	2,700,841
Protectorate of Northern Nigeria* - - -	—	—	—	258,025	317,429	186,954

* Prior to 1908 "Southern Nigeria" and "Northern Nigeria" were included in "Lagos" and "Nigerian Protectorates".
† Provisional figures.

III.—Import and Export Trade of the United Kingdom with each British Dominion, Colony, and Possession (1905-1910)—*continued*.

(B.)—*Exports*.

STATEMENT showing the VALUE of the TOTAL EXPORTS of the PRODUCE and MANUFACTURES of the UNITED KINGDOM consigned to each BRITISH POSSESSION, including PROTECTORATES (1905-1910)—(continued).

Dominions, Colonies, &c. to which the Goods were Consigned.	Exports of United Kingdom Produce.					
	1905.	1906.	1907.	1908.	1909.	1910.†
Other Colonies and Possessions—cont.	£	£	£	£	£	£
Ascension - - - - -	2,772	4,581	3,961	3,980	4,825	551,719
St. Helena - - - - -	27,387	21,729	18,304	19,817	16,822	21,125
Rhodesia - - - - -	261,365	311,375	403,508	448,668	512,003	749,223
Bechuanaland Protectorate† - - -	—	—	—	—	5,003	13,024
Basutoland† - - - - -	—	—	—	—	8,923	19,714
Swaziland† - - - - -	—	—	—	—	1,056	1,954
East Africa—						
Zanzibar and Pemba (Protectorate of) - -	213,324	154,507	200,469	123,063	119,451	78,844
East Africa Protectorate - - -	188,915	288,928	362,864	276,811	261,092	343,643
Uganda Protectorate - - -	—	—	—	28,487	39,321	31,359
Nyasaland Protectorate - - -	39,097	110,736	34,033	44,539	50,478	86,991
Somaliland Protectorate - - -	1,025	1,121	8,496	6,443	17,328	3,159
Mauritius and Dependencies - - -	350,410	400,377	378,181	308,402	398,569	552,045
Seychelles Islands - - -	19,225	20,647	27,752	22,278	20,015	26,575
Aden and Dependencies - - -	245,768	250,483	315,346	263,469	296,632	337,967
Straits Settlements and Dependencies (including Labuan) - - -	3,231,453	3,796,774	3,898,908	3,382,219	3,370,060	4,129,751
Federated Malay States - - -	36,959	171,422	313,701	474,573	298,633	434,828
Ceylon and Dependencies - - -	1,368,469	1,572,488	1,797,402	1,759,320	1,827,508	2,321,528
Borneo (British):						
British North Borneo - - -	9,959	14,545	16,043	14,274	19,654	28,341
Brunei - - - - -	569	100	—	—	8	56
Sarawak - - - - -	22,339	15,501	15,001	13,127	14,653	19,354
Wei-lai-Wei - - - - -	4,460	7,188	1,545	10,056	19,247	6,362
Hong-Kong - - - - -	3,716,937	3,065,149	3,225,249	2,901,465	3,567,350	3,615,876
Territory of Papua - - -	5,287	4,176	5,525	6,439	9,534	20,393
Fiji Islands - - - - -	34,909	91,942	114,771	60,728	79,216	99,199
Other Islands in the Pacific (British) - - - - -	948	3,263	6,471	1,924	21,897	8,723
Bermudas - - - - -	166,911	100,828	120,893	112,331	125,651	140,895
Bahamas - - - - -	45,190	39,929	61,490	69,651	64,450	63,801
British West India Islands -	1,967,165	2,155,888	2,575,758	2,235,524	2,331,568	2,370,091
British Honduras - - -	75,729	93,716	122,367	116,584	110,796	100,893
British Guiana - - - -	626,476	613,341	594,260	649,964	636,012	585,653
Falkland Islands - - -	34,380	37,846	43,179	45,777	62,666	95,464
Deep Sea Fisheries - - -	1,205	1,294	1,364	1,462	1,090	1,435
Total to British Dominions and Possessions (including Protectorates) - - -	114,217,443	122,009,485	138,143,766	126,765,027	127,238,084	147,318,183
Total to Foreign Countries - - -	215,599,171	253,565,853	287,891,317	250,338,797	250,942,263	283,271,628
Total to Foreign Countries and British Dominions and Possessions (including Protectorates) - - -	329,816,614	375,575,338	426,035,083	377,103,824	378,180,347	430,589,811

† Not shown separately prior to 1909.
‡ Provisional figures.

IV. IMPORTS OF FOOD AND DRINK FROM VARIOUS BRITISH POSSESSIONS.

STATEMENT showing the VALUE of ARTICLES of FOOD and DRINK only (i.e., excluding Tobacco) imported into the UNITED KINGDOM during each of the Years 1905 and 1909 which were consigned from the various BRITISH DOMINIONS, COLONIES, and POSSESSIONS.

Dominions, Colonies, and Possessions from which the Goods were Consigned.	1905.	1909.
British India* - - - - -	£ 16,577,000	£ 15,510,000
Self-Governing Dominions:		
Union of South Africa—		
Cape of Good Hope - - - - -	37,000	276,000
Natal - - - - -	1,000	219,000
Orange Free State - - - - -	—	2,000
Transvaal - - - - -	—	1,000
Total from Union of South Africa - - - - -	38,000	498,000
Australian Commonwealth - - - - -	8,800,000	10,719,000
Dominion of New Zealand - - - - -	5,442,000	7,911,000
Dominion of Canada - - - - -	18,361,000	19,351,000
Newfoundland (and Labrador) - - - - -	224,000	64,000
Total from Self-Governing Dominions - - - - -	32,868,000	38,543,000
Principal Other Colonies and Possessions:		
Channel Islands - - - - -	1,155,000	1,187,000
Malta - - - - -	8,000	4,000
Cyprus - - - - -	33,000	20,000
Gold Coast - - - - -	51,000	173,000
Southern Nigeria Protectorate - - - - -	1,000	69,000
East Africa Protectorate - - - - -	2,000	5,000
Nyasaland Protectorate - - - - -	—	17,000
Zanzibar and Pemba - - - - -	85,000	128,000
Mauritius and Dependencies - - - - -	96,000	176,000
Seychelles - - - - -	—	10,000
Aden - - - - -	45,000	22,000
Straits Settlements and Dependencies (including Labuan) - - - - -	1,018,000	975,000
Ceylon* and Dependencies - - - - -	3,460,000	4,226,000
Hong Kong - - - - -	67,000	85,000
British West India Islands - - - - -	1,735,000	1,817,000
British Guiana - - - - -	439,000	576,000
Other British Possessions - - - - -	280,000	223,000
Total value of articles of food and drink consigned from British Possessions - - - - -	57,920,000	63,766,000
Total value of articles of food and drink consigned from all countries - - - - -	227,578,000	249,333,000
Percentage of articles of food and drink consigned from British Possessions - - - - -	Per Cent. 25·5	Per Cent. 25·6
Values of articles of food and drink consigned from British Possessions, <i>exclusive of India and Ceylon</i> - - - - -	£ 37,883,000	£ 44,030,000
Percentage of articles of food and drink consigned from British Possessions, <i>exclusive of India and Ceylon</i> - - - - -	Per Cent. 16·6	Per Cent. 17·7

* The value of the imports consigned from India and Ceylon during the above period includes tea to the following amounts:—

	1905.	1909.
From India - - - - -	£ 5,147,000	£ 6,311,000
" Ceylon - - - - -	3,226,000	3,951,000

V.—EXPORTS OF MANUFACTURES TO VARIOUS BRITISH POSSESSIONS.

STATEMENT showing the VALUE of ARTICLES WHOLLY or MAINLY MANUFACTURED (the Produce of the United Kingdom) exported from the UNITED KINGDOM during each of the Years 1905 and 1909 which were consigned to the various BRITISH DOMINIONS, COLONIES, and POSSESSIONS.

Dominions, Colonies, and Possessions to which the Goods were Consigned.	Value of Exports of Articles wholly or mainly Manufactured.	
	1905.	1909.
British India - - - - -	£ 40,919,000	£ 40,849,000
Self-governing Dominions:		
Union of South Africa:		
Cape of Good Hope - - - - -	7,037,000	5,332,000
Natal - - - - -	3,865,000	3,088,000
Orange Free State - - - - -	239,000	369,000
Transvaal - - - - -	2,757,000	3,911,000
Total to Union of South Africa - - - - -	13,898,000	12,699,000
Australian Commonwealth:		
Western Australia - - - - -	1,534,000	1,663,000
South Australia (including Northern Territory) - - - - -	1,488,000	2,290,000
Victoria - - - - -	4,754,000	6,568,000
New South Wales - - - - -	5,602,000	8,409,000
Queensland - - - - -	1,476,000	2,353,000
Tasmania - - - - -	411,000	404,000
Total to Australian Commonwealth - - - - -	15,265,000	21,687,000
Dominion of New Zealand - - - - -	5,870,000	6,485,000
British North America:		
Dominion of Canada - - - - -	10,426,000	13,516,000
Newfoundland (and Labrador) - - - - -	321,000	544,000
Total to British North America - - - - -	10,747,000	14,060,000
Total to Self-governing Dominions - - - - -	45,780,000	54,920,000
Principal Other Colonies and Possessions:		
Mauritius and Dependencies - - - - -	269,000	345,000
Straits Settlements and Dependencies (including Labuan) - - - - -	2,841,000	2,962,000
Ceylon and Dependencies - - - - -	960,000	1,393,000
British West India Islands - - - - -	1,568,000	1,885,000
British Guiana - - - - -	507,000	543,000
Other British Possessions - - - - -	7,950,000	9,560,000
Total value of articles wholly or mainly manufactured consigned to British Possessions - - - - -	100,803,000	112,468,000
Total value of articles wholly or mainly manufactured consigned to all countries.	269,073,000	297,146,000
Percentage of articles wholly or mainly manufactured consigned to British Possessions - - - - -	Per cent. 37·5	Per cent. 37·8

VI.—TRADE OF UNITED KINGDOM WITH PRINCIPAL DOMINIONS, COLONIES, AND POSSESSIONS PER HEAD OF POPULATION.

STATEMENT showing the Value of the Trade between the United Kingdom and the Principal British Dominions, Colonies, and Possessions *per Head of the Population of those Dominions, Colonies, and Possessions* during the years 1905 and 1909, distinguishing (a) Total Imports into the United Kingdom; (b) Imports of Food and Drink into the United Kingdom; (c) Total Exports of United Kingdom Produce; (d) Exports of Articles wholly or mainly manufactured.

Dominions, Colonies, and Possessions from or to which the Goods were Consigned.	Imports into United Kingdom per Head of Population of Dominion, &c.		Exports of United Kingdom Produce per Head of Population of Dominion, &c.	
	All Articles.	Articles of Food and Drink.	All Articles.	Articles wholly or mainly manufactured.
1905.				
British India - - - - -	£ 0.15	£ 0.07	£ 0.14	£ 0.13
Self-governing Dominions :—				
Cape of Good Hope - - - - -	1.98	0.01	3.51	2.85
Natal - - - - -	0.54	0.00	4.07	3.39
Orange Free State - - - - -	0.00	—	0.81	0.62
Transvaal - - - - -	0.01	—	2.33	1.97
Australian Commonwealth :—				
Western Australia - - - - -	*	*	6.96	6.02
South Australia - - - - -	*	*	4.25	3.94
Victoria - - - - -	*	*	4.31	3.90
New South Wales - - - - -	*	*	4.16	3.74
Queensland - - - - -	*	*	3.21	2.80
Tasmania - - - - -	*	*	2.43	2.27
Total Australian Commonwealth -	6.65	2.17	4.19	3.76
Dominion of New Zealand - - - - -	15.07	6.12	7.23	6.60
Dominion of Canada - - - - -	4.31	3.23	2.10	1.83
Newfoundland (and Labrador) - - -	2.27	0.99	1.67	1.24
Total Self-governing Dominions -	4.36	2.02	3.22	2.82
Principal Other Colonies and Possessions :—				
Mauritius and Dependencies - - - -	0.41	0.25	0.97	0.70
Straits Settlements and Dependencies (including Labuan) - - - - -	11.02	1.66	5.28	4.64
Ceylon and Dependencies - - - - -	1.14	0.88	0.35	0.24
British West India Islands - - - -	1.14	1.01	1.17	0.91
British Guiana - - - - -	1.94	1.48	2.11	1.71

* Particulars for the several States included in the Australian Commonwealth cannot be separately stated.

VI.—TRADE OF UNITED KINGDOM WITH PRINCIPAL DOMINIONS, COLONIES, AND POSSESSIONS PER HEAD OF POPULATION (*continued*).

STATEMENT showing the Value of the Trade between the United Kingdom and the Principal British Dominions, Colonies, and Possessions *per Head of the Population of those Dominions, Colonies, and Possessions* during the years 1905 and 1909, distinguishing (a) Total Imports into the United Kingdom; (b) Imports of Food and Drink into the United Kingdom; (c) Total Exports of United Kingdom Produce; (d) Exports of Articles wholly or mainly manufactured (*continued*).

Dominions, Colonies, and Possessions from or to which the Goods were Consigned.	Imports into United Kingdom per Head of Population of Dominion, &c.		Exports of United Kingdom Produce per Head of Population of Dominion, &c.	
	All Articles.	Articles of Food and Drink.	All Articles.	Articles wholly or mainly manufactured.
1909.				
British India - - - - -	£ 0.12	£ 0.05	£ 0.15	£ 0.14
Self-governing Dominions :—				
Cape of Good Hope - - - - -	3.19	0.11	2.57	2.21
Natal - - - - -	1.46	0.18	2.83	2.47
Orange Free State - - - - -	0.00	0.00	0.87	0.77
Transvaal - - - - -	0.24	0.00	3.47	3.08
Australian Commonwealth :—				
Western Australia - - - - -	5.29	0.32	6.90	6.07
South Australia - - - - -	11.47	6.91	6.00	5.50
Victoria - - - - -	6.91	2.95	5.50	5.04
New South Wales - - - - -	7.88	1.53	5.76	5.18
Queensland - - - - -	7.16	2.17	4.63	4.11
Tasmania - - - - -	2.91	1.01	2.41	2.16
Total Australian Commonwealth -	7.46	2.45	5.49	4.96
Dominion of New Zealand - - - - -	17.82	7.95	7.39	6.52
Dominion of Canada - - - - -	3.51	2.69	2.18	1.88
Newfoundland (and Labrador) - - -	1.86	0.27	2.55	2.28
Total Self-governing Dominions -	4.71	2.12	3.42	3.02
Principal Other Colonies and Possessions :—				
Mauritius and Dependencies - - - -	0.61	0.46	1.05	0.91
Straits Settlements and Dependencies (including Labuan) - - - - -	12.67	1.53	5.29	4.65
Ceylon and Dependencies - - - - -	1.36	1.04	0.45	0.34
British West India Islands - - - -	1.19	1.01	1.30	1.05
British Guiana - - - - -	2.37	1.89	2.09	1.78

VII.—EXPORTS OF MANUFACTURED ARTICLES TO FOREIGN COUNTRIES AND BRITISH POSSESSIONS.

STATEMENT showing the VALUE of the PRINCIPAL ARTICLES of UNITED KINGDOM PRODUCE wholly or mainly manufactured EXPORTED from the UNITED KINGDOM in each of the years 1905 and 1909, distinguishing CONSIGNMENTS to FOREIGN COUNTRIES and BRITISH DOMINIONS.

Articles.	1905.			1909.		
	To Foreign Countries.	To British Possessions.	Total.	To Foreign Countries.	To British Possessions.	Total.
	£	£	£	£	£	£
Apparel and slops -	795,000	3,976,000	4,771,000	1,287,000	4,359,000	5,646,000
Arms and ammunition -	1,655,000	1,464,000	3,119,000	1,044,000	1,395,000	2,439,000
Bags and sacks -	571,000	66,000	637,000	683,000	100,000	783,000
Blackening and polishes -	136,000	149,000	285,000	187,000	196,000	383,000
Books, printed -	777,000	1,139,000	1,916,000	836,000	1,276,000	2,112,000
Bricks -	164,000	73,000	238,000	164,000	90,000	254,000
Brooms and brushes -	46,000	113,000	159,000	73,000	120,000	193,000
Candles -	357,000	296,000	653,000	295,000	201,000	496,000
Caoutchouc, manufactures of	1,002,000	326,000	1,328,000	1,188,000	388,000	1,576,000
Carriages and waggons (including railway rolling-stock and cycles) -	2,417,000	1,544,000	3,961,000	3,454,000	2,710,000	6,164,000
Cement -	216,000	504,000	720,000	400,000	487,000	887,000
Chemicals and chemical preparations -	4,494,000	1,593,000	6,087,000	4,884,000	1,940,000	6,824,000
Clocks, watches, &c. -	26,000	86,000	112,000	22,000	21,000	43,000
Cloth cuttings -	71,000	5,000	76,000	140,000	2,000	142,000
Cordage, cables, ropes, and twine of hemp or like materials -	410,000	287,000	697,000	521,000	361,000	882,000
Cotton yarn, and manufactures thereof -	54,976,000	37,035,000	92,011,000	56,299,000	37,146,000	93,445,000
Coal products (not dyes) -	1,256,000	92,000	1,348,000	1,352,000	103,000	1,455,000
Paraffin wax -	310,000	7,000	317,000	381,000	26,000	407,000
Crucibles, plumbago -	156,000	16,000	172,000	108,000	21,000	129,000
Cutlery -	291,000	376,000	667,000	267,000	389,000	656,000
Dentists' materials -	93,000	21,000	114,000	130,000	30,000	160,000
Earthen and china ware -	1,281,000	817,000	2,098,000	1,400,000	915,000	2,315,000
Electrical goods and apparatus -	1,164,000	1,268,000	2,432,000	1,093,000	1,138,000	2,231,000
Engine and boiler packing -	94,000	66,000	160,000	92,000	82,000	174,000
Fishing tackle -	142,000	119,000	261,000	179,000	154,000	333,000
Glass -	449,000	658,000	1,107,000	601,000	771,000	1,372,000
Glue, size, and gelatine -	120,000	48,000	168,000	145,000	81,000	226,000
Haberdashery, &c. -	224,000	1,042,000	1,266,000	289,000	750,000	1,039,000
Hardware -	984,000	1,010,000	1,994,000	1,014,000	1,099,000	2,113,000
Hats -	487,000	763,000	1,250,000	727,000	880,000	1,607,000
Hatters' wares -	127,000	27,000	154,000	192,000	60,000	252,000
Implements and tools -	1,108,000	676,000	1,784,000	1,098,000	845,000	1,943,000
Instruments and apparatus -	345,000	253,000	598,000	338,000	319,000	657,000
Jewellery -	81,000	77,000	158,000	49,000	78,000	127,000
Jute yarn, and manufactures thereof -	2,299,000	380,000	2,679,000	2,354,000	551,000	2,905,000
Leather, and manufactures thereof (including boots and shoes) -	2,829,000	2,312,000	5,141,000	3,391,000	2,251,000	5,642,000
Linen yarn, and manufactures thereof -	6,027,000	1,242,000	7,269,000	6,930,000	1,568,000	8,498,000
Machinery and mill-work -	16,277,000	6,983,000	23,260,000	19,256,000	8,802,000	28,058,000
Manure -	2,947,000	522,000	3,469,000	3,469,000	548,000	4,017,000
Matches -	6,000	60,000	66,000	5,000	85,000	90,000
Mats and matting -	37,000	28,000	65,000	23,000	22,000	45,000

VII.—EXPORTS OF MANUFACTURED ARTICLES TO FOREIGN COUNTRIES AND BRITISH POSSESSIONS (continued).

STATEMENT showing the VALUE of the PRINCIPAL ARTICLES of UNITED KINGDOM PRODUCE wholly or mainly manufactured EXPORTED from the UNITED KINGDOM in each of the years 1905 and 1909, distinguishing CONSIGNMENTS to FOREIGN COUNTRIES and BRITISH DOMINIONS (continued).

Articles.	1905.			1909.		
	To Foreign Countries.	To British Possessions.	Total.	To Foreign Countries.	To British Possessions.	Total.
	£	£	£	£	£	£
Medicines -	517,000	948,000	1,465,000	650,000	1,068,000	1,718,000
Metals and manufactures thereof -	25,496,000	15,251,000	40,747,000	27,803,000	19,098,000	46,901,000
Musical instruments -	64,000	209,000	273,000	75,000	215,000	290,000
Oil and floor-cloth -	1,125,000	627,000	1,752,000	1,427,000	805,000	2,232,000
Oil-seed cake, &c. -	132,000	1,000	133,000	677,000	1,000	678,000
Painters' colours, &c. -	1,226,000	942,000	2,168,000	1,320,000	1,085,000	2,405,000
Paper -	731,000	1,209,000	1,940,000	1,011,000	1,548,000	2,559,000
Perfumery -	62,000	107,000	169,000	95,000	131,000	229,000
Plaiting of straw -	43,000	15,000	58,000	62,000	15,000	77,000
Plate -	36,000	41,000	77,000	52,000	37,000	89,000
Plated and gilt wares -	178,000	399,000	577,000	242,000	479,000	721,000
Prints, engravings, &c. -	134,000	43,000	177,000	194,000	64,000	258,000
Saddlery and harness -	214,000	305,000	519,000	185,000	246,000	431,000
Ships -	4,468,000	963,000	5,431,000	4,456,000	1,471,000	5,927,000
Silk yarn, and manufactures thereof -	1,462,000	530,000	1,992,000	1,368,000	492,000	1,860,000
Skins and furs, dressed, and manufactures thereof -	454,000	95,000	549,000	762,000	135,000	897,000
Soap -	547,000	738,000	1,285,000	657,000	879,000	1,536,000
Stationery -	638,000	774,000	1,412,000	770,000	802,000	1,572,000
Stones and slates -	234,000	96,000	330,000	199,000	96,000	295,000
Toys and games -	111,000	344,000	455,000	194,000	394,000	588,000
Umbrellas, &c. -	78,000	320,000	398,000	78,000	310,000	388,000
Wood, manufactures of, including furniture -	482,000	732,000	1,214,000	746,000	705,000	1,451,000
Wool fleeces, tops, and combed -	2,821,000	58,000	2,879,000	2,984,000	110,000	3,094,000
Woollen yarn, and manufactures thereof -	18,012,000	7,758,000	25,770,000	19,325,000	8,499,000	27,824,000
Goods, manufactured, all other -	1,748,000	828,000	2,576,000	2,672,000	1,420,000	4,092,000
Total -	168,270,000	100,803,000	269,073,000	184,678,000	112,468,000	297,146,000
Proportion of Total -	Per cent. 63	Per cent. 37	Per cent. 100	Per cent. 62	Per cent. 38	Per cent. 100

APPENDIX III.

IMPERIAL CONFERENCE, 1911.

STATISTICS RELATING TO THE TRADE OF INDIA, THE DOMINIONS, AND THE COLONIES, &c.

STATEMENTS SHOWING:—

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, Consigned from British India and the various British Self-Governing Dominions.

B.—Value of Principal (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, Imported into British India and the various British Self-Governing Dominions, from the United Kingdom and other Principal Countries during the Year 1909.

C.—Total Value of Imports into and Exports from British India, the Self-Governing Dominions, and the Principal Crown Colonies, in each of the years 1905 to 1909, showing separately Food, Drink, and Tobacco; Raw Materials; Manufactured Articles; and Bullion and Specie, and distinguishing Trade with (i) United Kingdom, (ii) British Possessions, and (iii) Foreign Countries.

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PREPARED BY THE BOARD OF TRADE.

BRITISH INDIA.

A.—VALUE of IMPORTS into the UNITED KINGDOM during each of the Years 1905 to 1909 of (i) ARTICLES of FOOD, DRINK, and TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, consigned from BRITISH INDIA.

[The Total Value of Imports into the UNITED KINGDOM, during 1909, of Merchandise Consigned from British India was 35,431,000L.]

Extracted from the "Annual Statement of the Trade of the United Kingdom with Foreign Countries and British Possessions, 1909."

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM BRITISH INDIA.					Total Consignments of each Class, 1909.								
		1905.	1906.	1907.	1908.	1909.	From British India.	From all Countries.	Proportion from British India.	Proportion to Total Imports into the United Kingdom consigned from British India.					
(i) Articles of Food, Drink, and Tobacco.															
Grain, Flour, and Farina- ceous Sub- stances.	Wheat	7,843,000	1,328,000	7,188,000	1,297,000	6,944,000	8,720,000	83,107,000	10.45	21.51					
	Barley	7,000	6,000	386,000	82,000	51,000									
	Maize or Indian Corn.	249,000	7,000	2,000	3,000	31,000									
	Peas.	251,000	72,000	71,000	3,000	77,000									
	Rice, Rice Meal, and Flour.	1,974,000	1,691,000	1,809,000	1,596,000	1,496,000									
	Beans :														
	Haricot	21,000	19,000	33,000	16,000	32,000									
	Other	46,000	37,000	46,000	61,000	33,000									
	Lentils :														
	Split	1,000	1,000	—	—	—									
Dairy Pro- duce, &c.	Other than split.	52,000	39,000	84,000	31,000	48,000	3,000	47,125,000	0.01	0.01					
	Wheatmeal and Flour.	22,000	1,000	3,000	*	2,000									
	Bran and Pol- lard.	*	*	6,000	2,000	—									
	Butter	5,000	7,000	5,000	5,000	3,000									
	Fruit and Vege- tables.	Nuts used as Fruit.	*	1,000	3,000	1,000					2,000	13,000	19,075,000	0.07	0.04
		Fruit, Dried	13,000	10,000	1,000	7,000					3,000				
		Fruit, Preserved, without sugar.	1,000	*	3,000	*					1,000				
	Sugar	Unrefined, Cane and other sorts of sugar.	142,000	32,000	51,000	71,000					30,000	30,000	22,849,000	0.13	0.08
	Tee	Tee	5,147,000	5,210,000	5,733,000	5,752,000					6,311,000	6,311,000	41,617,000	54.33	17.81
	Coffee	Raw Coffee	600,000	440,000	223,000	511,000					286,000	286,000	2,076,000	13.78	0.81
Isinglass	Isinglass	28,000	30,000	38,000	34,000	26,000	26,000	101,000	25.74	0.07					
Edible Oils	Coco-nut Oil (refined).	4,000	2,000	4,000	11,000	*	*	1,161,000	—	—					
	Sauces and Con- diments, enu- merated (including Table Salt).	7,000	10,000	8,000	7,000	9,000	27,000	77,000	35.07	0.08					
		Chutney	17,000	17,000	19,000	17,000					19,000				
Spices	Ginger	41,000	34,000	26,000	35,000	46,000	85,000	715,000	11.89	0.21					
	Pepper	66,000	71,000	36,000	18,000	36,000									
	Other Spices	2,000	6,000	1,000	2,000	3,000									
Tobacco	Manufactured of all sorts, Unmanufactured	35,000	30,000	28,000	28,000	26,000	26,000	4,987,000	0.52	0.07					

* Less than 500L.

† Including Lard (and imitations thereof), Margarine, Margarine Cheese, and Oleo-Margarine, in addition to Butter, Cheese, Eggs, and Milk.

BRITISH INDIA—continued.

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, consigned from British India—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM BRITISH INDIA.					Total Consignments of each Class, 1909.			
		1905.	1906.	1907.	1908.	1909.	From British India.	From all Countries.	Proportion from British India.	Proportion to Total Imports into the United Kingdom consigned from British India.
(ii) Raw Materials.										
Iron Ore, Scrap Iron, and Steel.	Iron Ore, Manganiferous.	2,000	15,000	22,000	7,000	4,000	12,000	5,076,000	0.24	0.03
	Iron Ore, other sorts.	10,000	10,000	14,000	6,000	8,000				
	Iron and Steel, Old.	2,000	19,000	1,000	†	†				
Other Metallic Ores.	Gold Ore (including gold contained in Auriferous Ores and Metals).	2,000	1,000	2,000	3,000	2,000	220,000	8,327,000	2.64	0.02
	Manganese Ores	165,000	330,000	555,000	283,000	218,000				
Wood and Timber.	Hewn, Teak	528,000	588,000	575,000	380,000	308,000	407,000	23,592,000	1.73	1.15
	Furniture Woods and Hardwoods of all kinds.	9,000	13,000	14,000	13,000	9,000				
Cotton	Cotton, Raw	926,000	1,483,000	2,331,000	1,414,000	1,477,000	1,477,000	60,295,000	2.45	1.17
Wool	Wool, Sheep's or Lambs'.	1,115,000	1,463,000	1,438,000	972,000	1,516,000	1,516,000	35,042,000	4.33	4.28
Other Textile Materials.	Hemp: Dressed or Undressed.	263,000	275,000	273,000	218,000	242,000	4,919,000	12,128,000	40.56	13.88
	Tow or Cordage.	4,000	2,000	3,000	3,000	6,000				
	Unenumerated Vegetable Substances.	12,000	13,000	8,000	3,000	2,000				
	Cold Fibre			7,000	4,000	5,000				
	Jute	5,677,000	8,202,000	8,058,000	5,817,000	4,582,000				
	Silk, Knobs or Husks and Waste (including Waste Noils).	18,000	13,000	29,000	22,000	23,000				
	Silk, Raw	156,000	142,000	160,000	84,000	59,000				
	Gum, Arabic	12,000	14,000	11,000	8,000	9,000				
	Gum, Laclye, Seedlac, Shellac, and Sticklac.	725,000	731,000	1,052,000	750,000	485,000				
	Gum, unenumerated.	11,000	25,000	7,000	11,000	10,000				
	Nuts and Kernels for expressing Oil therefrom.	47,000	75,000	75,000	45,000	86,000				
Oil Seeds, Nuts, Oils, Fats, and Gums.	Oil, Castor	19,000	16,000	21,000	17,000	15,000	3,792,000	31,000,000	12.22	10.70
	" Coconut, unrefined.	127,000	63,000	72,000	97,000	101,000				
	" of all other sorts.	15,000	16,000	22,000	43,000	39,000				
	Beeds, Cotton	573,000	1,066,000	1,569,000	937,000	1,063,000				
	" Flax or Linseed.	1,136,000	1,010,000	1,634,000	908,000	1,251,000				
	" Rape	156,000	177,000	465,000	148,000	201,000				
	" unenumerated, for expressing oil therefrom.	431,000	780,000	912,000	555,000	538,000				

† Less than 500L.

BRITISH INDIA—continued.

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, consigned from British India—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM BRITISH INDIA.					Total Consignments of each Class, 1909.				
		1905.	1906.	1907.	1908.	1909.	From British India.	From all Countries.	Proportion from British India.	Proportion to Total Imports into the United Kingdom consigned from British India.	
(ii) Raw Materials—continued.											
Hides and Un-dressed Skins.	Hides and pieces thereof : Dry - -	220,000	458,000	343,000	174,000	281,000	1,178,000	11,618,000	10.14	3.32	
	Wet - -	9,000	10,000	14,000	11,000	25,000					
	Skins : Goat Skins, undressed.	536,000	820,000	480,000	327,000	557,000					
	Sheep Skins, undressed, woolled -	27,000	51,000	26,000	1,000	6,000					
	Sheep Skins, undressed, pickled -			11,000	†	8,000					
	Unenumerated Skins, undressed.			1,000	2,000	1,000					†	1,000
Materials for Paper-making.	Paper-making material.	3,000	4,000	1,000	1,000	1,000	1,000	4,499,000	0.02	0.00	
	Bristles - -	31,000	43,000	43,000	42,000	36,000	600,000	28,521,000	2.42	1.25	
Miscellaneous.	Canes and Sticks, unmounted.	1,000	2,000	1,000	1,000	1,000					
	Caoutchouc -	64,000	81,000	55,000	31,000	23,000					
	Feathers (ornamental).	2,000	1,000	5,000	3,000	5,000					
	Hair :— Goats', other than Mohair.	15,000	35,000	22,000	16,000	14,000					
	Horse - -	1,000	1,000	1,000	1,000	2,000					
	Horns and Hoofs	50,000	58,000	45,000	31,000	35,000					
	Ivory, Teeth, Elephants' &c.	27,000	14,000	35,000	21,000	29,000					
	Manures : Bones for Manure.	102,000	101,000	76,000	75,000	83,000					
	Mica - -	75,000	161,000	138,000	86,000	99,000					
	Plassava Fibre and other Fibres for brush-making.	80,000	82,000	50,000	59,000	93,000					
Plants, &c. : Flower Roots and Bulbs.	Not stated		2,000	2,000	2,000						
Plumbago -	22,000	22,000	18,000	22,000	22,000						
Seeds :— Dari or Darra	9,000	8,000	78,000	14,000	74,000						
Dholer Pigeon Pea.	104,000	103,000	195,000	14,000	60,000						
Millet - -	3,000	†	†	†	56,000						
	Unenumerated, other sorts.	4,000	6,000	14,000	6,000	4,000					
	Shells of all kinds.	21,000	17,000	26,000	21,000	17,000					
	Wax (excluding Paraffin Wax).	27,000	21,000	8,000	8,000	15,000					
	Goods, unmanufactured, unenumerated.	9,000	13,000	12,000	13,000	13,000					

† Less than 5000.

BRITISH INDIA—continued.

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of (i) Articles of Food, Drink and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, consigned from British India—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM BRITISH INDIA.					Total Consignments of each Class, 1909.					
		1905.	1906.	1907.	1908.	1909.	From British India.	From all Countries.	Proportion from British India.	Proportion to Total Imports into the United Kingdom consigned from British India.		
(iii) Manufactured Articles.												
Iron and Steel, and Manufactures thereof.	Iron, Pig, Spiegeleisen and Ferro-Manganese.	—	1,000	—	—	—	—	7,972,000	—	—		
	Brass, Bronze and Metal, bronzed or lacquered, manufactures of.	3,000	4,000	4,000	3,000	2,000	48,000	24,346,000	0.20	0.14		
Other Metals and Manufactures thereof.	Copper:—	2,000	30,000	62,000	†	1,000						
	Old - - -	9,000	34,000	26,000	5,000	—						
	Unwrought and part wrought.	—	2,000	7,000	1,000	42,000						
	Lead, Pig and Sheet Tin, in Blocks, Ingots, Bars and Slabs.	82,000	25,000	92,000	12,000	—						
	Metal, unenumerated, old, fit only to be remanufactured.	15,000	60,000	48,000	2,000	3,000						
Yarns and Textile Fabrics.	Cotton:—						127,000	9,839,000	1.29	0.36		
	Yarn, grey - - -	†	5,000	143,000	77,000	28,000						
	" bleached and dyed.	50,000	65,000	34,000	41,000	1,000						
	Waste from worked Cotton.	48,000	28,000	35,000	62,000	61,000						
	Piece Goods.	24,000	23,000	27,000	28,000	12,000						
	Wool	Manufactures, unenumerated.						106,000	9,728,000	1.09	0.30	
		Carpets - - - -	83,000	104,000	121,000	92,000	93,000					
	Silk	Rugs - - - - -			6,000	9,000	13,000	28,000	12,760,000	0.22	0.08	
		Silk Manufactures of all sorts.	38,000	20,000	29,000	26,000	23,000					
	Other Yarns and Textile Fabrics.	Coir Yarn - - -	†	†	206,000	190,000	224,000	2,091,000	7,325,000	28.55	5.90	
Embroidery and Needlework.		6,000	7,000	6,000	4,000	4,000						
Jute:—												
Yarn - - - - -		†	1,000	8,000	†	4,000						
Manufactures of -		1,925,000	2,042,000	2,456,000	2,148,000	1,859,000						
Chemicals, Drugs, Dyes, and Colours.	Saltpetre - - -	54,000	76,000	82,000	91,000	62,000	496,000	10,597,000	4.68	1.40		
	Drugs:—											
	Bark, Peruvian -	17,000	8,000	8,000	3,000	6,000						
	Opium - - - - -	42,000	37,000	17,000	6,000	—						
	Unenumerated (including medicinal preparations).	77,000	76,000	67,000	60,000	73,000						
	Dyestuffs and Substances used in Tanning or Dyeing:—											
	Cutch and Gambier.	48,000	72,000	112,000	88,000	39,000						
	Indigo - - - - -	100,000	91,000	143,000	117,000	124,000						
	Extracts for Tanning.	Cannot be stated.									5,000	6,000
	Myrobalsans -	159,000	176,000	173,000	249,000	163,000						
	Unenumerated Substances for Tanning or Dyeing.	9,000	12,000	21,000	13,000	15,000						
	Dyewoods, unenumerated.	9,000	12,000	12,000	15,000	18,000						

† Less than 5000.

‡ Coir Yarn included with "Cordage, Cables, Ropes and Twine" (Miscellaneous Class) in 1905 and 1906.

BRITISH INDIA—continued.

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, consigned from British India—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM BRITISH INDIA.					Total Consignments of each Class, 1909.			
		1905.	1906.	1907.	1908.	1909.	From British India.	From all Countries.	Proportion from British India.	Proportion to Total Imports into the United Kingdom consigned from British India.
(iii) Manufactured Articles—continued.										
Leather and Manufactures thereof (excluding Boots and Shoes).	Leather:—	£	£	£	£	£	£	£	Per Cent.	Per Cent.
	Undressed .	2,239,000	2,699,000	2,585,000	2,309,000	2,267,000	2,267,000	11,617,000	19.51	6.40
	Dressed .	1,000	3,000	†	3,000	†				
	Books, printed -	2,000	1,000	2,000	2,000	2,000	346,000	27,453,000	1.26	0.98
	Cordage, Cables, Ropes, and Twine, of Hemp, Coir, or like material.	254,000	281,000	23,000	17,000	9,000				
Curios	7,000	9,000	7,000	13,000	5,000					
Mats and Matting.	8,000	14,000	12,000	12,000	10,000					
Miscellaneous.	Oilseed Cake:—						346,000	27,453,000	1.26	0.98
	Cotton Seed Cake.	11,000	16,000	12,000	20,000	10,000				
	Linseed Cake -	68,000	80,000	115,000	132,000	120,000				
	Other seeds	40,000	59,000	69,000	125,000	120,000				
	Paraffin Wax	64,000	34,000	27,000	23,000	61,000				
	Planting of Sawm and other materials.	7,000	5,000	6,000	6,000	4,000				
	Stones, Slabs, and Marble.		Not stated.		11,000	5,000				

Note.—The imports into the United Kingdom of Articles of Food, Drink, and Tobacco, Raw Materials, and Manufactured Articles, other than those specified in the above Statement, are, if any, included with those shown for "Other British Possessions" in the detailed Tables in the original Trade Returns.

† Less than 5000.

† Coir Yarn included with "Cordage, Cables, Ropes, and Twine" in 1905 and 1906.

BRITISH SOUTH AFRICA.

A.—VALUE of IMPORTS into the UNITED KINGDOM during each of the Years 1905 to 1909 of (i) ARTICLES of FOOD, DRINK, and TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, Consigned from BRITISH SOUTH AFRICA.

[The Total Value of Imports into the United Kingdom, during 1909, of Merchandise consigned from British South Africa was 16,110,000l.*]

Extracted from the "Annual Statement of the Trade of the United Kingdom with Foreign Countries and British Possessions, 1909."

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM BRITISH SOUTH AFRICA.					Total Consignments of each Class, 1909.				
		1905.	1906.	1907.	1908.	1909.	From British South Africa.	From all Countries.	Proportion from British South Africa.	Proportion to Total Imports into the United Kingdom consigned from British South Africa.	
(i) Articles of Food, Drink, and Tobacco.											
Grain, Flour, and Farinaceous Substances.	Oats - - -	2,000	—	27,000	18,000	76,000	359,000	93,107,000	0.43	2.23	
	Maize - - -	6,000	—	122,000	90,000	283,000					
Meat, Poultry, and Game.	Meat, preserved otherwise than by salting.	—	3,000	—	—	—	—	12,044,000	—	—	
	Plums, Raw - -	2,000	4,000	7,000	2,000	10,000	63,000	12,073,000	0.33	0.32	
Fruit and Vegetables.	Grapes, Raw - -	7,000	10,000	12,000	42,000	19,000					
	Pears, Raw - -	1,000	4,000	7,000	11,000	18,000					
	Apricots, Raw -	1,000	2,000	6,000	5,000	9,000					
	Fruit, unenumerated, Raw.	†	†	†	2,000	7,000					
Fish.	Fruit preserved in Syrup.	†	—	2,000	†	†	11,000	3,378,000	0.33	0.07	
	Canned of all sorts	—	†	2,000	5,000	11,000					
Sugar.	Unrefined - -	—	—	—	3,000	1,000	20,000	22,849,000	0.09	0.12	
	Molasses - -	—	—	†	2,000	19,000					
Tea.	Tea - - - -	†	†	17,000	8,000	4,000	4,000	11,617,000	0.03	0.02	
	Cocoa or chocolate, ground, prepared, or in any way manufactured.	2,000	†	—	—	—					
Cocoa.	Cocoa or chocolate, ground, prepared, or in any way manufactured.	—	—	—	—	—	—	2,814,000	—	—	
	Raw coffee - -	1,000	—	†	†	—	—	2,676,000	—	—	
Coffee.	Chicory - - -	—	—	†	†	—	—	37,000	—	—	
	Rum - - - -	1,000	2,000	6,000	13,000	11,000	13,000	1,740,000	0.69	0.07	
Spirits.	Brandy - - -	†	†	†	†	†					
	Unenumerated: Sweetened - -	6,000	1,000	1,000	1,000	1,000					
Wine.	Unsweetened - -	1,000	1,000	1,000	1,000	1,000	1,000	3,746,000	0.03	0.01	
	Wine - - - -	1,000	1,000	1,000	2,000	†					
Tobacco.	In casks - - -	7,000	1,000	2,000	1,000	1,000					2,000	4,987,000	0.04	0.01
	In bottles - -	2,000	8,000	3,000	2,000	1,000					
Miscellaneous.	Manufactured of all sorts.	†	†	4,000	4,000	1,000	—	62,000	—	—	
	Unmanufactured Preparations made with added sugar or other sweetening matter.	†	1,000	1,000	†	—	—	—	—	—	
(ii) Raw Materials.											
Iron Ore, Scrap Iron and Steel.	Iron and Steel, old.	7,000	10,000	11,000	3,000	†	†	5,076,000	—	—	
	Copper, Ore - -	260,000	278,000	182,000	82,000	107,000	460,000	8,327,000	5.52	2.86	
Other Metallic Ores.	Gold, Ore (including Gold contained in auriferous Ores and Metals).	50,000	66,000	91,000	95,000	110,000					
	Lead, Ore - - -	—	—	†	†	4,000					
	Silver, Ore (including Silver contained in argentiferous Ores and Metals).	—	3,000	16,000	21,000	16,000					
	Tin, Ore - - - -	2,000	17,000	30,000	6,000	191,000					
Wood and Timber.	Furniture Woods, Hardwoods and Veneers (except mahogany).	8,000	9,000	2,000	8,000	10,000	10,000	23,522,000	0.04	0.06	

* Inclusive of diamonds exported from the Cape of Good Hope to the United Kingdom, valued at 6,170,000l.

† Less than 5000.

BRITISH SOUTH AFRICA—continued.

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of (i) Articles of Food, Drink and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, consigned from British South Africa—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM BRITISH SOUTH AFRICA.					Total Consignments of each Class, 1909.				
		1905.	1906.	1907.	1908.	1909.	From British South Africa.	From all Countries.	Proportion from British South Africa.	Proportion to Total Imports into the United Kingdom consigned from British South Africa.	
(ii) Raw Materials—continued.											
Wool	Mohair (Angora Goats' Hair).	780,000	969,000	1,219,000	939,000	831,000	5,066,000	33,042,000	14.46	31.45	
	Sheep's or Lambs' Wool.	2,166,000	2,275,000	3,308,000	2,892,000	1,235,000					
Oil Seeds, Nuts, Oils, Fats and Gums.	Oil, Fish (Train, Haddock, Sperrin), &c.	—	—	—	7,000	10,000	10,000	31,940,000	0.03	0.06	
Hides and Undressed Skins.	Hides and Pieces thereof:—						1,347,000	11,618,000	11.59	8.36	
	Dry - -	115,000	113,000	199,000	203,000	258,000					
	Wet - -	12,000	15,000	50,000	50,000	88,000					
	Skins:—										
	Goat, undressed	185,000	233,000	326,000	314,000	372,000					
	Sheep, " -	360,000	343,000	543,000	543,000	607,000					
	Fur, Seal-skins, undressed.	3,000	4,000	10,000	9,000	22,000					
	Asbestos, raw -	2,000	3,000	3,000	5,000	3,000					
Miscellaneous.	Caoutchouc -	4,000	9,000	3,000	2,000	2,000	1,756,000	28,521,000	6.16	10.20	
	Feathers, ornamental.	959,000	1,259,000	1,598,000	1,431,000	1,723,000					
	Horns and Hoofs	6,000	6,000	10,000	11,000	14,000					
	Manures, Guano	—	18,000	—	—	—					
	Seeds, Dair or Dair.	—	—	—	—	3,000					
	Goods, unmanufactured, unenumerated.	7,000	7,000	11,000	10,000	6,000					
	Diamonds*	6,759,000	9,179,000	8,829,000	1,607,000	6,170,000					6,170,000	6,170,000	100.00	38.30
(iii) Manufactured Articles.											
Metals and Manufactures thereof (other than Iron and Steel).	Copper:—						459,000	21,346,000	1.89	2.85	
	Regulus and Precipitate.	345,000	396,000	452,000	317,000	416,000					
	Unwrought in bars, blocks, &c.	—	—	—	—	3,000					
	Old, fit only to be remanufactured.	9,000	24,000	28,000	12,000	17,000					
Chemicals, Drugs, Dyes and Colours.	Metal, unenumerated old, fit only to be remanufactured.	17,000	33,000	56,000	19,000	23,000	217,000	10,597,000	2.05	1.35	
	Drugs, unenumerated, including medicinal preparations.	12,000	11,000	13,000	14,000	15,000					
	Dyestuffs and Substances used in Tanning or Dyeing:—										
	Hark or Tanning.	126,000	97,000	167,000	154,000	199,000					
	Unenumerated.	3,000	4,000	3,000	2,000	3,000					

Note.—The imports into the United Kingdom of Articles of Food, Drink and Tobacco, Raw Materials and Manufactured Articles, other than those specified in the above Statement are, if any, included with those shown for "Other British Possessions" in the detailed Tables in the original Trade Returns.

* The figures given for Diamonds represent the Exports from the Cape of Good Hope only to the United Kingdom, as the value of Diamonds imported therefrom into the United Kingdom cannot be given. Such diamonds as are declared on importation into the United Kingdom are included in the Miscellaneous Class.

BRITISH SOUTH AFRICA—continued.

The following Statement shows the Total Value of Imports into the United Kingdom of Merchandise consigned from the various parts of British South Africa during each of the Years 1905 to 1909.

Imports into the United Kingdom consigned from various parts of British South Africa.	Imports of Merchandise.				
	1905.	1906.	1907.	1908.	1909.
	£	£	£	£	£
Union of South Africa:					
Cape of Good Hope†	11,656,000	14,714,000	16,066,000	10,792,000	13,863,000
Natal	619,000	769,000	1,346,000	1,271,000	1,822,000
Orange Free State	—	—	—	—	2,000
Transvaal	9,000	9,000	12,000	7,000	306,000
Rhodesia	20,000	32,000	61,000	91,000	114,000
Swaziland	—	—	—	—	3,000
Total†	12,304,000	15,524,000	17,485,000	12,071,000	16,110,000

* Less than 500L.

† Inclusive of diamonds exported from the Cape of Good Hope to the United Kingdom.

COMMONWEALTH OF AUSTRALIA.

A.—VALUE of IMPORTS into the UNITED KINGDOM during each of the Years 1905 to 1909 of (i) ARTICLES of FOOD, DRINK, and TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, consigned from the COMMONWEALTH of AUSTRALIA.

[The Total Value of Imports into the United Kingdom during 1909 of Merchandise consigned from the Commonwealth of Australia was 32,646,000*l*.]

Extracted from the "Annual Statement of the Trade of the United Kingdom with Foreign Countries and British Possessions, 1909."

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM THE COMMONWEALTH OF AUSTRALIA.					Total Consignments of each Class, 1909.							
		1905.	1906.	1907.	1908.	1909.	From the Commonwealth of Australia.	From all Countries.	Proportion from the Commonwealth of Australia.	Proportion to Total Imports into the United Kingdom consigned from the Commonwealth of Australia.				
(i) Articles of Food, Drink, and Tobacco.														
Grain, Flour, and Farinaceous Substances.	Wheat	£ 3,800,000	£ 2,830,000	£ 3,265,000	£ 2,421,000	£ 1,584,000	5,108,000	83,187,000	6.15	15.45				
	Barley	—	—	5,000	—	57,000								
	Oats	5,000	—	—	—	58,000								
	Peas	8,000	2,000	17,000	2,000	2,000								
	Wheat Meal and Flour	508,000	253,000	69,000	121,000	821,000								
	Rice Meal and Dust	1,000	2,000	4,000	1,000	6,000								
	Beef, Fresh, and Refrigerated	31,000	55,000	181,000	170,000	590,000								
	Mutton, Fresh and Refrigerated	986,000	1,145,000	1,615,000	1,185,000	1,574,000								
	Pork, Fresh, and Refrigerated	11,000	39,000	12,000	—	1,000								
	Salt and other Fresh or Refrigerated Meat	12,000	18,000	16,000	9,000	15,000								
Meat, Poultry, and Game.	Beef, Preserved	141,000	110,000	76,000	121,000	205,000	3,139,000	42,044,000	7.47	9.62				
	Mutton, Preserved	41,000	65,000	43,000	93,000	226,000								
	Other Meat, Preserved	38,000	17,000	2,000	5,000	17,000								
	Rabbits (dead), Fresh and Refrigerated	486,000	635,000	538,000	411,000	508,000								
	Poultry and Game (alive or dead)	21,000	21,000	25,000	9,000	5,000								
	Butter	2,308,000	3,014,000	3,008,000	2,299,000	2,008,000					2,027,000	47,125,000	4.30	6.21
	Cheese	—	—	11,000	2,000	2,000								
	Milk, Preserved	—	—	—	—	—								
	Oleo-Margarine	1,000	—	—	—	17,000								
	Apples, Raw	202,000	179,000	302,000	308,000	252,000								
Fruit and Vegetables.	Pears, Raw	9,000	5,000	15,000	5,000	15,000	280,000	19,075,000	1.47	0.86				
	Oranges	—	—	2,000	1,000	—								
	Fruit, Dried, Excluded	—	—	42,000	19,000	9,000								
	Fruit, Preserved in Syrup	1,000	—	8,000	8,000	1,000								
	Fruit, Preserved without sugar	12,000	4,000	19,000	11,000	3,000								
	Cocoa-nut oil (refined)	1,000	84,000	20,000	96,000	4,000								
	Hops	1,000	—	—	—	2,000								
Edibles.	Sugar (unrefined)	2,000	—	6,000	3,000	—	—	22,340,000	—	—				
	Tea	—	—	—	—	7,000								
	Cocoa, raw	—	—	—	—	—								
Spirits.	Rum	2,000	2,000	1,000	1,000	—	—	1,742,000	—	—				
	Brandy	6,000	2,000	1,000	1,000	—								
	Unenumerated, unwholesaled	—	—	—	—	—								
Wine.	Wine, in casks	135,000	99,000	127,000	111,000	148,000	144,000	3,716,000	3.84	0.44				
	Wine, in bottles	1,000	1,000	1,000	1,000	1,000								
Tobacco.	Cigars	1,000	1,000	1,000	1,000	1,000	1,000	4,087,000	0.02	0.00				
	Unmanufactured	—	—	—	—	—								

* Less than 500*l*.

† Including lard (and imitations thereof), margarine, margarine cheese, and oleo-margarine, in addition to butter, cheese, eggs, and milk.

COMMONWEALTH OF AUSTRALIA—continued.

A.—Value of Imports into the UNITED KINGDOM during each of the Years 1905 to 1909 of (i) ARTICLES of FOOD, DRINK, and TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, consigned from the Commonwealth of Australia—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM THE COMMONWEALTH OF AUSTRALIA.					Total Consignments of each Class, 1909.				
		1905.	1906.	1907.	1908.	1909.	From the Commonwealth of Australia.	From all Countries.	Proportion from the Commonwealth of Australia.	Proportion to Total Imports into the United Kingdom consigned from the Commonwealth of Australia.	
(ii) Raw Materials.											
Iron Ore, Scrap Iron, and Steel.	Iron Ore - - -	13,000	†	13,000	5,000	1,000	4,000	5,076,000	0.05	0.01	
	Iron and Steel, old	22,000	23,000	5,000	2,000	3,000					
Other Metallic Ores.	Antimony Ore - -	3,000	35,000	78,000	17,000	8,000					
	Cobalt Ore - - -	11,000	6,000	10,000	3,000	2,000					
	Copper Ore - - -	25,000	23,000	129,000	50,000	45,000					
	Gold Ore (including gold contained in auriferous ores and metals).	605,000	732,000	556,000	424,000	380,000					
	Lead Ore - - -	4,000	28,000	34,000	66,000	28,000	979,000	8,327,000	11.76	3.00	
	Silver Ore (including silver contained in Argentiferous ores and metals).	494,000	586,000	672,000	527,000	372,000					
	Tin Ore - - -	50,000	20,000	3,000	9,000	24,000					
	Zinc Ore - - -	10,000	24,000	64,000	48,000	68,000					
	Ores, unenumerated.	85,000	56,000	60,000	13,000	22,000					
	Wood and Timber.	Hewn Oak - - -	†	1,000	3,000	1,000	†	241,000	29,592,000	1.02	0.74
		Furniture Woods, Hardwoods, and Veneers, unenumerated.	324,000	250,000	177,000	219,000	241,000				
Wool.	Wool, Sheep's or Lambs'	10,762,000	11,545,000	14,091,000	13,413,000	13,668,000	13,683,000	32,042,000	39.95	41.91	
	Woolen Rags, not for Manure.	10,000	13,000	13,000	14,000	15,000					
Oil Seeds, Nuts, Oils, Fats, and Gums.	Gum: Kauri - - -	23,000	7,000	6,000	18,000	11,000					
	Unenumerated Nuts and Kernels for expressing oil therefrom.	5,000	1,000	1,000	1,000	2,000					
	Oil: Animal - - -	124,000	162,000	219,000	201,000	298,000	1,567,000	31,040,000	5.05	4.80	
	Cocconut, unrefined.	18,000	20,000	16,000	16,000	14,000					
	Tallow and Stearine	123,000	24,000	63,000	103,000	115,000					
	Hides and pieces thereof: Dry - - -	769,000	989,000	1,048,000	821,000	1,127,000					
	Wet - - -	13,000	24,000	18,000	63,000	80,000					
	Skins, Sheep, undressed: Woolled - - -	22,000	62,000	82,000	99,000	157,000					
	Picked - - -	581,000	719,000	692,000	694,000	739,000	1,844,000	11,618,000	15.87	5.65	
	Furs: Rabbit Skins, undressed, Unenumerated, undressed.	218,000	418,000	369,000	276,000	315,000					
Materials for Paper-Making.	Linen and Cotton Rags.	207,000	246,000	200,000	174,000	401,000					
	Other Paper-making Materials.	4,000	4,000	6,000	4,000	3,000	3,000	4,490,000	6.47	0.01	

† Less than 500*l*.

COMMONWEALTH OF AUSTRALIA—continued.

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, consigned from the Commonwealth of Australia—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM THE COMMONWEALTH OF AUSTRALIA.					Total Consignments of each Class, 1909.				
		1905.	1906.	1907.	1908.	1909.	From the Commonwealth of Australia.	From all Countries.	Proportion from the Commonwealth of Australia.	Proportion to Total Imports into the United Kingdom consigned from the Commonwealth of Australia.	
(ii) Raw Materials—continued.											
Miscellaneous.	Bladders, Casings, and Sausage Skins.	£ †	£ 1,000	£ 5,000	£ 12,000	£ 24,000	£ 340,000	£ 28,521,000	1.19	1.04	
	Bones, applicable to manufacturing purposes, (other than manure).	†	†	†	†	†					
	Glue Stock and pieces for making Glue.	3,000	10,000	11,000	9,000	6,000					
	Hair:										
	Cow, Ox, Bull, or Elk.	3,000	2,000	4,000	3,000	8,000					
	Horse.	17,000	26,000	26,000	16,000	20,000					
	Horn and Hoofs.	12,000	14,000	14,000	11,000	11,000					
	Plumage.	1,000	†	1,000	—	3,000					
	Precious Stones, unset.	1,000	†	†	4,000	—					
	Seeds, Garden, unenumerated.	1,000	3,000	2,000	1,000	2,000					
	Shells of all kinds.	353,000	331,000	364,000	310,000	255,000					
	Wax (excluding Paraffin Wax).	3,000	2,000	1,000	1,000	1,000					
	Gosha, Gumam, unenumerated.	10,000	10,000	9,000	9,000	7,000					
(iii) Manufactured Articles.											
Iron and Steel and manufactures thereof.	Rails, defective and old.	Not stated		12,000	5,000	5,000	5,000	7,972,000	0.06	0.02	
	Antimony, crude and regulus.	†	5,000	12,000	—	†	2,707,000	24,346,000	11.13	8.29	
Copper, regulus and precipitate.	362,000	563,000	558,000	230,000	145,000						
Copper, old, fit only to be re-manufactured.	3,000	41,000	33,000	7,000	5,000						
Copper, unwrought, in bars, blocks, slabs, cakes, and ingots.	848,000	970,000	1,498,000	1,384,000	1,230,000						
Lead, Pig and Sheet.	923,000	913,000	970,000	909,000	824,000						
Tin in blocks, ingots, bars, and slabs.	594,000	923,000	1,019,000	698,000	620,000						
Zinc, crude, in cakes.	10,000	10,000	6,000	9,000	5,000						
Metal, unenumerated, unwrought.	45,000	7,000	7,000	2,000	4,000						
Metal, unenumerated, old, fit only to be re-manufactured.	23,000	42,000	28,000	3,000	9,000						

† Less than 500£.

COMMONWEALTH OF AUSTRALIA—continued.

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, consigned from the Commonwealth of Australia—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM THE COMMONWEALTH OF AUSTRALIA.					Total Consignments of each Class, 1909.			
		1905.	1906.	1907.	1908.	1909.	From the Commonwealth of Australia.	From all Countries.	Proportion from the Commonwealth of Australia.	Proportion to Total Imports into the United Kingdom consigned from the Commonwealth of Australia.
(iii) Manufactured Articles—continued.										
Machinery.	Agricultural	£ 2,000	£ 12,000	£ 2,000	£ Not stated	£ —	£ 4,438,000	Per Cent. —	Per Cent. —	
	Chemical manufactures and products of all sorts.	19,000	23,000	37,000	25,000	51,000	53,000	10,597,000	0.50	0.46
Chemicals, Drugs, and Colours.	Drugs of all sorts, containing no datiable ingredient (including medicinal preparations).	14,000	15,000	20,000	10,000	14,000				
	Dye-stuffs and Substances used in Tanning; Bark, Printers' Colours and Pigments.	92,000	18,000	16,000	12,000	8,000				
		4,000	1,000	†	1,000	†				
	Leather and manufactures thereof (excluding boots and shoes).	Leather	269,000	451,000	426,000	441,000	416,000	416,000	11,617,000	3.55	1.27
Miscellaneous.	Books, printed. Pictures and Drawings by hand.	1,000	3,000	2,000	4,000	4,000	18,000	27,463,000	0.07	0.05
		2,000	†	1,000	1,000	1,000				
	Stones, Slabs, and Marble; Oil Shale.	Not stated			12,000	13,000				

Note.—The Imports into the United Kingdom of Articles of Food, Drink, and Tobacco, Raw Materials, and Manufactured Articles, other than those specified in the above Statement, are, if any, included with those shown for "Other British Possessions" in the detailed tables in the original Trade Returns.

† Less than 500£.

DOMINION OF NEW ZEALAND.

A.—VALUE of IMPORTS into the UNITED KINGDOM during each of the Years 1905 to 1909 of (i) ARTICLES of FOOD, DRINK, and TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, consigned from the DOMINION of NEW ZEALAND.

[The Total Value of Imports into the United Kingdom during 1909 of Merchandise consigned from the Dominion of New Zealand was 17,731,000*l*.]

Extracted from the "Annual Statement of the Trade of the United Kingdom with Foreign Countries and British Possessions, 1909."

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM THE DOMINION OF NEW ZEALAND.					Total Consignments of each Class, 1909.			
		1905.	1906.	1907.	1908.	1909.	From the Dominion of New Zealand.	From all Countries.	Proportion from the Dominion of New Zealand.	Proportion to Total Imports into the United Kingdom consigned from the Dominion of New Zealand.
(i) Articles of Food, Drink, and Tobacco.										
Grain, Flour, and Farinaceous Substances.	Wheat - -	£ 119,000	£ 30,000	£ 1,000	£ —	£ 331,000	£ 961,000	£ 83,107,000	1·16	5·42
	Barley - -	2,000	—	—	—	20,000				
	Oats - -	61,000	35,000	7,000	17,000	555,000				
	Peas - -	41,000	38,000	32,000	14,000	41,000				
	Beans - -	5,000	1,000	—	—	5,000				
	Beans and Peas - -	—	2,000	1,000	—	5,000				
	Beef, Fresh and Refrigerated.	209,000	316,000	670,000	642,000	460,000				
	Mutton, Fresh and Refrigerated.	3,167,000	3,118,000	3,926,000	3,453,000	3,199,000				
	Pork, Fresh and Refrigerated.	3,000	9,000	5,000	2,000	—				
	Unenumerated, Fresh, Refrigerated or Salted Meat.	29,000	30,000	33,000	23,000	23,000				
Meat, Poultry and Game.	Beef, Preserved	23,000	32,000	23,000	19,000	35,000	£ 4,330,000	£ 42,044,000	10·30	24·42
	Mutton, Preserved.	17,000	26,000	19,000	33,000	43,000				
	Other Meat Preserved.	5,000	9,000	2,000	2,000	6,000				
	Rabbits (dead) Fresh and Refrigerated.	82,000	76,000	78,000	97,000	56,000				
	Poultry and Game (alive or dead).	1,000	1,000	1,000	1,000	1,000				
	Butter - -	1,468,000	1,627,000	1,599,000	1,230,000	1,472,000				
	Cheese - -	203,000	371,000	387,000	801,000	1,114,000				
	Oil or Margarine	1,000	4,000	2,000	14,000	21,000				
	Fruit, Preserved without Sugar.	—	—	—	—	—				
	—	—	—	—	—	—				
Dairy Produce, &c. Fruit and Vegetables.	Hops - -	2,000	4,000	1,000	1,000	3,000	£ 3,000	£ 476,000	0·02	0·02
	All kinds - -	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
Hops, Wine.	—	—	—	—	—	—	£ 3,746,000	£ 47,125,000	5·53	14·70
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
	—	—	—	—	—	—				
(ii) Raw Materials.										
Iron, Ore, Scrap Iron, and Steel.	Iron and Steel, Old.	1,000	2,000	3,000	2,000	2,000	2,000	5,076,000	0·04	0·01
	Gold Ore (including the value of the gold contained in auriferous ores and metals).	8,000	19,000	30,000	37,000	39,000	39,000	8,327,000	0·47	0·22
Other Metallic Ores.	Hewn, Fir, other than Pit Props or Pit Wood.	1,000	—	—	—	—	20,000	23,592,000	0·08	0·11
	Sawn or Split, Planed or Dressed.	65,000	49,000	30,000	60,000	20,000				

* Less than 500*l*.

† Including, lard (and imitations thereof), margarine, margarine cheese, and oleo-margarine, in addition to butter, cheese, eggs and milk.

DOMINION OF NEW ZEALAND—continued.

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, consigned from the Dominion of New Zealand—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM THE DOMINION OF NEW ZEALAND.					Total Consignments of each Class, 1909.				
							From the Dominion of New Zealand.	From all Countries.	Proportion from the Dominion of New Zealand.	Proportion to Total Imports into the United Kingdom consigned from the Dominion of New Zealand.	
		1905.	1906.	1907.	1908.	1909.					
(ii) Raw Materials—continued.											
Wool.	Sheep's or Lambs' Wool.	5,643,000	6,960,000	7,657,000	5,912,000	6,325,000	6,965,000	36,042,000	19·79	30·11	
Other Textile Materials.	Flax, dressed, undressed, and Tow.	15,000	22,000	9,000	13,000	10,000	233,000	12,123,000	1·97	1·35	
	Hemp, dressed or undressed.	656,000	662,000	746,000	411,000	215,000					
	Hemp, Tow or Cordage.	23,000	49,000	78,000	22,000	14,000					
	Gum, Kauri - Nuts and Kernels for expressing oil therefrom.	416,000	385,000	474,000	419,000	768,000					
Oil Seeds, Nuts, Oils, Fats, and Gums.	Tallow and Stearine.	421,000	536,000	707,000	590,000	700,000	1,570,000	31,049,000	4·06	8·85	
	Skins, Sheep, untraced: Woolled .	417,000	610,000	233,000	133,000	176,000					
	Pickled .			469,000	261,000	435,000					
	Fur, Rabbit Skin, undressed.	51,000	44,000	41,000	32,000	67,000					
Hides and Undressed Skins.	Bladders, Casings and Sausage Skins.	52,000	65,000	23,000	111,000	144,000	219,000	23,521,000	0·77	1·21	
	Horseshair .	2,000	4,000	3,000	5,000	3,000					
	Seeds, Clover and Grass.	82,000	56,000	69,000	27,000	65,000					
	Shells of all kinds.	5,000	10,000	20,000	15,000	5,000					
Miscellaneous.	Goods, Unmanufactured, Unenumerated.	2,000	5,000	1,000	1,000	1,000					
(iii) Manufactured Articles.											
Metals and Manufactures thereof (other than Iron and Steel).	Zinc, Crude in cakes.	1,000	2,000	†	1,000	1,000	2,000	21,246,000	0·01	0·01	
	Metal, Unenumerated, Old.	2,000	6,000	2,000	2,000	1,000					
Chemicals, Drugs, Dyes, and Colours.	Tanning Substances, Unenumerated.	—	—	—	2,000	5,000	3,000	10,597,000	0·05	0·03	
Leather and Manufactures thereof (excluding Boots and Shoes).	Leather . .	47,000	43,000	53,000	42,000	45,000	45,000	11,517,000	0·39	0·25	

Note.—The Imports into the United Kingdom of Articles of Food, Drink, and Tobacco, Raw Materials, and Manufactured Articles, other than those specified in the above Statement, are, if any, included with those shown for "Other British Possessions" in the detailed Tables in the original Trade Returns.

† Less than 500*l*.

DOMINION OF CANADA.

A.—VALUE of IMPORTS into the UNITED KINGDOM during each of the Years 1905 to 1909 of (i) ARTICLES of FOOD, DRINK, and TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, consigned from the DOMINION of CANADA.

[The Total Value of Imports into the United Kingdom, during 1909, of Merchandise Consigned from the Dominion of Canada was 25,223,000L.]

Extracted from the "Annual Statement of the Trade of the United Kingdom with Foreign Countries and British Possessions, 1909."

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM THE DOMINION OF CANADA.					Total Consignments of each Class, 1909.			
		1905.	1906.	1907.	1908.	1909.	From the Dominion of Canada.	From all Countries.	Proportion from the Dominion of Canada.	Proportion to Total Imports into the United Kingdom consigned from the Dominion of Canada.
(i) Articles of Food, Drink, and Tobacco.										
Grains, Flour, and Farinaceous Substances.	Wheat . . .	2,445,000	4,021,000	5,272,000	6,484,000	7,604,000	9,297,000	83,407,000	11.19	36.86
	Barley . . .	247,000	178,000	146,000	206,000	81,000				
	Oats . . .	181,000	373,000	476,000	9,000	44,000				
	Maize . . .	747,000	533,000	612,000	45,000	33,000				
	Rye . . .	16,000	15,000	21,000	49,000	11,000				
	Pens (other than split).	53,000	76,000	77,000	108,000	39,000				
	Beans:—									
	Haricot . .	6,000	—	—	—	—				
	Other . . .	1,000	1,000	—	—	—				
	Rice Flour .	2,000	3,000	2,000	2,000	2,000				
	Rice meal and dust.	4,000	4,000	2,000	3,000	1,000				
	Wheatmeal and Flour.	464,000	711,000	730,000	818,000	1,188,000				
	Grouts . . .	*	1,000	1,000	—	—				
	Oatmeal . .	92,000	108,000	130,000	72,000	102,000				
	Roller Oats (including Quaker Oats).	171,000	129,000	129,000	140,000	145,000				
	Other Farinaceous preparations.	38,000	33,000	24,000	52,000	45,000				
Living Animals.	Oxen and Bulls .	2,752,000	2,911,000	1,380,000	2,028,000	1,874,000	1,924,000	5,579,000	31.49	7.63
	Cows and Calves	6,000	8,000	26,000	24,000	48,000				
	Sheep and Lambs	67,000	46,000	59,000	42,000	2,000				
	Huzon . . .	2,480,000	2,338,000	2,415,000	1,828,000	1,864,000				
	Hams . . .	202,000	118,000	143,000	138,000	154,000				
	Beef, Fresh and Refrigerated.	3,000	6,000	5,000	5,000	23,000				
	Beef, salted . .	8,000	8,000	6,000	7,000	1,000				
	Pork:—									
	Fresh and Refrigerated.	*	2,000	3,000	1,000	—				
	Salted . . .	7,000	7,000	13,000	6,000	*				
Meat, Poultry, and Game.	Unenumerated, Fresh, Refrigerated, or Salted Meat.	5,000	5,000	10,000	20,000	12,000	1,582,000	42,044,000	3.77	6.28
	Preserved, otherwise than by salting:									
	Beef . . .	36,000	17,000	5,000	19,000	19,000				
	Mutton . . .	5,000	*	*	*	1,000				
	Other Sorts	38,000	14,000	13,000	5,000	6,000				
	Poultry and Game (alive or dead).	12,000	13,000	20,000	9,000	3,000				
	Fresh . . .	10,000	23,000	28,000	35,000	20,000				
	Canned:									
	Salmon . . .	520,000	918,000	494,000	513,000	481,000				
	Lobsters . .	264,000	228,000	251,000	303,000	219,000				
Fish.	Other sorts .	1,000	*	*	*	*	768,000	3,378,000	22.44	3.01
	Not canned:									
	All sorts . .	59,000	53,000	28,000	42,000	20,000				

* Less than 500L.

DOMINION OF CANADA—continued

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of (i) Articles of Food, Drink and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, consigned from the Dominion of Canada—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM THE DOMINION OF CANADA.					Total Consignments of each Class, 1909.							
							From the Dominion of Canada.	From all Countries.	Proportion from the Dominion of Canada.	Proportion to Total Imports into the United Kingdom consigned from the Dominion of Canada.				
		1905.	1906.	1907.	1908.	1909.								
(i) Articles of Food, Drink, and Tobacco—continued.														
Dairy Produce, &c.†	Butter - - -	1,422,000	947,000	173,000	240,000	120,000	4,742,000	47,125,000	10.06	18.80				
	Cheese - - -	4,919,000	5,584,000	4,961,000	4,480,000	4,519,000								
	Eggs - - -	108,000	98,000	51,000	25,000	2,000								
	Lard (including imitation lard).	164,000	180,000	95,000	91,000	97,000								
	Margarine - -	—	1,000	1,000	1,000	4,000								
	Oleo-margarine -	4,000	9,000	17,000	10,000	*								
	Apples, Raw - -	723,000	596,000	947,000	838,000	980,000								
	Pears, Raw - -	8,000	9,000	2,000	14,000	5,000								
Fruit and Vegetables.	Dried, unenumerated.	2,000	1,000	*	4,000	4,000	290,000	18,072,000	5.19	5.22				
	Fruit, Preserved without sugar:													
	Canned or Bottled.	34,000	28,000	36,000	10,000	21,000								
	Not Canned or Bottled.	2,000	*	—	*	—								
	Fruit, preserved in syrup.	1,000	2,000	1,000	5,000	*								
	Fruit Juice - -	6,000	—	—	—	—								
	Hops - - -	1,000	6,000	10,000	13,000	10,000								
	Refined - - -	*	*	*	*	*								
Sugar	Unrefined - -	3,000	*	*	*	*	1,000	22,849,000	0.00	0.00				
	Glucose, Solid or Liquid.	8,000	3,000	—	*	*								
Tea	Tea - - -	1,000	*	3,000	*	1,000	1,000	11,617,000	0.01	0.00				
	Unenumerated, unsweetened.	4,000	4,000	6,000	5,000	4,000								
Spirits	Spirits - - -	*	*	*	*	*	4,000	1,749,000	0.23	0.02				
	Yeast - - -	*	*	*	*	*								
Tobacco	Manufactured: Cavendish or Negro-head.	3,000	3,000	4,000	5,000	3,000	3,000	4,987,000	0.06	0.01				
	Unmanufactured - Preparations made with added sugar or other sweetening matter.	*	*	*	1,000	—								
		*	*	*	5,000	7,000					7,000	62,000	11.29	0.03
		*	*	*	5,000	7,000								
Miscellaneous.														
(ii) Raw Materials.														
Iron Ore, Scrap Iron and Steel.	Iron Ore - - -	—	50,000	59,000	—	—	2,000	5,076,000	0.04	0.01				
	Iron and Steel, old.	1,000	1,000	2,000	1,000	2,000								
Other Metallic Ores.	Antimony Ore - -	7,000	12,000	3,000	3,000	*	3,000	8,327,000	0.11	0.04				
	Cobalt Ore - - -	—	*	6,000	5,000	—								
	Lead Ore - - -	16,000	1,000	2,000	1,000	1,000								
	Zinc Ore - - -	2,000	3,000	4,000	4,000	5,000								
	Ores, unenumerated	4,000	4,000	2,000	3,000	3,000								
	Hewn - - -	380,000	481,000	351,000	287,000	254,000								
	Sawn or Split, Planed or Dressed:													
	Fir - - -	3,098,000	3,912,000	3,117,000	2,764,000	2,842,000								
Wood and Timber.	Unenumerated -	202,000	277,000	202,000	180,000	209,000	3,379,000	23,892,000	14.32	13.40				
	Staves of all dimensions.	9,000	10,000	13,000	10,000	5,000								
	Furniture Woods and Hardwoods, except Mahogany.	56,000	49,000	45,000	54,000	69,000								
	Cotton													
Wool	Raw Cotton - -	23,000	3,000	10,000	7,000	10,000	10,000	60,296,000	0.02	0.04				
	Wool, Sheep's or Lambs',	6,000	15,000	12,000	5,000	14,000								
	Woolen Rags, not for Manure.	6,000	12,000	11,000	24,000	23,000								

* Less than 500L.

† Including lard (and imitations thereof), margarine, margarine cheese, and oleo-margarine, in addition to butter, cheese, eggs, and milk.

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C

DOMINION OF CANADA—continued.

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of
(i) Articles of Food, Drink and Tobacco; (ii) Raw Materials; and (iii) Manufactured
Articles, consigned from the Dominion of Canada—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM THE DOMINION OF CANADA.					Total Consignments of each Class, 1909.			
		1905.	1906.	1907.	1908.	1909.	From the Dominion of Canada.	From all Countries.	Proportion from the Dominion of Canada.	Proportion to Total Imports into the United Kingdom consigned from the Dominion of Canada.
(ii) Raw Materials—continued.										
Oilseeds, Nuts, Oils, Fats and Gums.	Oil: Fish (Train, Blubber, Sperm, &c.).	£ 12,000	£ 39,000	£ 62,000	£ 59,000	£ 75,000	£ 149,000	£ 31,040,000	0.48	0.59
	Animal.	1,000	1,000	1,000	1,000	3,000				
	Petroleum, Lubricating.	3,000	2,000	2,000	2,000	2,000				
	Seeds: Flax or Linseed.	9,000	337,000	167,000	98,000	68,000				
	Tallow and Stearine	2,000	2,000	1,000	3,000	3,000				
Hides and Un-dressed Skins.	Hides and Pieces thereof, raw.	3,000	4,000	11,000	62,000	3,000	314,000	11,618,000	2.70	1.24
	Furs: Sealskins, un-dressed.	49,000	46,000	22,000	28,000	17,000				
	Unenumerated, un-dressed.	451,000	418,000	379,000	293,000	291,000				
Mate-rials for Paper-making.	Pulp of Wood	204,000	243,000	169,000	286,000	284,000	284,000	4,499,000	6.31	1.13
	Asbestos, raw.	24,000	59,000	44,000	40,000	30,000	248,000	28,521,000	0.87	0.98
	Bladders, Castings, and Sewage Skins.	7,000	4,000	5,000	10,000	10,000				
	Bones, applicable to manufacturing purposes (other than Manure).	1,000	1,000	—	—	—				
Hay	193,000	229,000	71,000	83,000	168,000					
Miscellaneous.	Mica	5,000	11,000	11,000	15,000	6,000	248,000	28,521,000	0.87	0.98
	Plumbago	1,000	—	—	—	2,000				
	Seeds: Clover and Grass.	28,000	26,000	26,000	34,000	20,000				
	Straw	—	—	—	—	1,000				
	Whalebone (including Finners).	1,000	10,000	1,000	3,000	1,000				
	Goods, unmanufactured, unenumerated.	4,000	7,000	12,000	10,000	10,000				
(iii) Manufactured Articles.										
Iron and Steel and manu-factures thereof.	Iron and Steel of all kinds.	13,000	8,000	7,000	7,000	39,000	39,000	7,972,000	0.49	0.15
	Brass, Bronze and metal bronzed or lacquered, manu-factures of.	—	1,000	—	1,000	4,000	193,000	24,346,000	0.79	0.77
Other Metals and manu-factures thereof.	Copper:—	60,000	107,000	115,000	83,000	118,000				
	Regulus and Pro-cipitate.	1,000	2,000	2,000	4,000	2,000				
	Old, fit only to be remanufactured.	—	—	—	—	—				
	Quicksilver	6,000	6,000	7,000	6,000	12,000				
	Zinc, crude, in cakes.	—	—	—	—	—				
	Metal, unenumerated:—	3,000	37,000	78,000	32,000	50,000				
Unwrought	5,000	3,000	1,000	7,000	7,000					
Cutlery, Hard-ware, Imple-ments (except Machine Tools), and Instru-ments.	Old, fit only to be remanufactured.						6,000	3,719,000	0.16	0.09
	Impediments and Tools and parts (except Machine Tools).	12,000	7,000	10,000	10,000	6,000				

* Less than \$500.

DOMINION OF CANADA—continued.

A.—Value of Imports into the United Kingdom during each of the Years 1905 to 1909 of
(i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured
Articles, consigned from the Dominion of Canada—continued.

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM THE DOMINION OF CANADA.					Total Consignments of each Class, 1909.				
		1905.	1906.	1907.	1908.	1909.	From the Dominion of Canada.	From all Countries.	Pro- portion from the Dominion of Canada.	Proportion to Total Imports into the United Kingdom consigned from the Dominion of Canada.	
(iii) Manufactured Articles—continued.											
Machinery	Machinery and Millwork	88,000	87,000	113,000	108,000	98,000	98,000	4,438,000	2.21	0.39	
Manufactures of Wood and Timber (including Furniture).	Furniture and Cabinetware.	32,000	13,000	3,000	9,000	3,000	122,000	2,054,000	5.94	0.48	
	House Frames, Fittings, and Joiners' work.	24,000	21,000	24,000	18,000	10,000					
	Other sorts (including woodware and turnery).	67,000	88,000	73,000	59,000	109,000					
Yarns and Textile Fabrics: Cotton.	Cotton:—						4,000	2,839,000	0.04	0.02	
	Waste from worked cotton.	1,000	†	3,000	†	1,000					
Apparel.	Manufactures of all sorts.	4,000	3,000	2,000	5,000	3,000	2,000	5,072,000	0.04	0.01	
	Boots and Shoes of Quaalchona.	12,000	7,000	7,000	3,000	2,000					
	Chemical Manufactures and Products.	66,000	62,000	49,000	49,000	47,000					
Chemicals, Drugs, Dyes, and Colours.	Drugs, containing no dutiable ingredients, of all sorts.	7,000	4,000	2,000	3,000	3,000	73,000	10,397,000	0.69	0.29	
	Dyestuffs, extracts for dyeing or tanning.	12,000	17,000	12,000	17,000	23,000					
	Painters' Colours and Pigments.	1,000	3,000	1,000	1,000	†					
Leather and Manufactures thereof (excluding boots and shoes).	Leather	380,000	343,000	301,000	368,000	395,000	395,000	11,617,000	3.40	1.57	
	Paper for Printing or Writing, unprinted.	193,000	178,000	104,000	177,000	162,000	221,000	5,647,000	3.91	0.88	
Paper.	Strawboard, Millboard, and Woodpulp Board.	59,000	65,000	49,000	53,000	59,000					
	Cordage, Cables, Ropes and Twine of Hemp, Oak, or like Material.	9,000	7,000	17,000	3,000	5,000					
	Lamps and Lanterns (except Electric).	†	10,000	10,000	5,000	1,000					
	Methylic Alcohol, not potable.	9,000	7,000	7,000	6,000	12,000					
	Musical Instruments and Parts thereof.	21,000	30,000	26,000	21,000	13,000					
Miscellaneous.	Oilseed Cake	31,000	68,000	95,000	82,000	83,000	137,000	27,433,000	0.60	0.54	
	Paraffin Wax	7,000	8,000	11,000	10,000	7,000					
	Perfumery	5,000	3,000	3,000	5,000	4,000					
	Pictures and Drawings	2,000	4,000	2,000	1,000	7,000					
	Skins and Furs, Manufactures of.	1,000	2,000	2,000	2,000	1,000					
	Goods, manufactured, unenumerated.	11,000	8,000	3,000	3,000	2,000					

Note.—The Imports into the United Kingdom of Articles of Food, Drink and Tobacco, Raw Materials, and Manufactured Articles, other than those specified in the above Statement, are, if any, included with those shown for "Other British Possessions" in the detailed Tables in the original Trade Returns.

† Less than \$500.

NEWFOUNDLAND.

A.—VALUE of IMPORTS into the UNITED KINGDOM during each of the Years 1905 to 1909 of (i) ARTICLES of FOOD, DRINK, and TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, CONSIGNED from NEWFOUNDLAND.

[The Total Value of Imports into the United Kingdom, during 1909, of Merchandise Consigned from Newfoundland was 325,000*l*.]

Extracted from the "Annual Statement of the Trade of the United Kingdom with Foreign Countries and British Possessions, 1909."

CLASS.	ARTICLES SPECIFIED IN THE TRADE RETURNS.	VALUE OF IMPORTS CONSIGNED FROM NEWFOUNDLAND.					Total Consignments of each Class, 1909.			
		1905.	1906.	1907.	1908.	1909.	From Newfoundland.	From all Countries.	Proportion from Newfoundland.	Proportion to Total Imports into the United Kingdom Consigned from Newfoundland.

(i) Articles of Food, Drink, and Tobacco.

		£	£	£	£	£	£	£	Per cent.	Per cent.
Cocoa	Cocoa or Chocolate, ground, prepared, or in any way manufactured.	—	—	—	—	—	—	2,814,000	—	—
Fish	Canned : Salmon Lobsters	—	—	—	—	—	—	—	—	—
	Not canned : All sorts	55,000	63,000	31,000	28,000	26,000	63,000	3,378,000	1·87	19·38
Wine	Wines, of all kinds	167,000	217,000	63,000	45,000	37,000	1,000	3,746,000	0·03	0·31

(ii) Raw Materials.

Iron Ore, Scrap Iron, and Steel	Iron Ore	3,000	—	—	26,000	45,000	45,000	5,076,000	0·89	13·85
Other Metallic Ores	Pyrites of Iron and Copper	44,000	47,000	35,000	36,000	53,000	53,000	8,327,000	0·64	16·31
	Copper Ore	5,000	12,000	2,000	—	—	—	—	—	—
Wood and Timber	Sawn or Split, Planed or Dressed	11,000	18,000	9,000	8,000	12,000	12,000	23,592,000	0·05	3·69
Oil Seeds, Nuts, Oils, Fats, and Gums	Oil, Fish (Train Blubber, Spermi, &c.)	149,000	163,000	136,000	107,000	105,000	105,000	31,040,000	0·34	32·31
	Tallow and Stearins	1,000	1,000	1,000	—	—	—	—	—	—
Hides and Undressed Skins	Furs, Sealskins, Undressed	34,000	73,000	4,000	61,000	28,000	40,000	11,618,000	0·34	12·31
	Furs, unmanumated, Undressed	16,000	15,000	31,000	4,000	2,000	—	—	—	—
Miscellaneous	Whalebone (including Finners)	5,000	1,000	1,000	1,000	1,000	1,000	28,521,000	0·00	0·31

(iii) Manufactured Articles.

Chemicals, Drugs, Dyes, and Colours	Drugs, Unmanumated (including Medicinal preparations)	4,000	7,000	5,000	1,000	1,000	1,000	10,597,000	0·01	0·31
Miscellaneous	Slates for roofing purposes	10,000	8,000	—	—	—	—	37,453,000	—	—

Note.—The Imports into the United Kingdom of Articles of Food, Drink, and Tobacco, Raw Materials, and Manufactured Articles, other than those specified in the above Statement, are, if any, included with those shown for "Other British Possessions" in the detailed Tables in the original Trade Returns.

* Less than 500*l*.

STATISTICS RELATING TO THE TRADE OF INDIA, THE DOMINIONS, AND COLONIES, &c.

PART B.

STATEMENT SHOWING:—

Value of Principal (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, Imported into British India and the various British Self-Governing Dominions from the United Kingdom and other Principal Countries during the Year 1909.

BRITISH INDIA.

B.—VALUE of PRINCIPAL (i) ARTICLES of FOOD, DRINK, and TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, IMPORTED into BRITISH INDIA, by Sea, from the United Kingdom and other Principal Countries during the Year ended 31st March 1910.

[Extracted from the "Annual Statement of the Trade and Navigation of British India with Foreign Countries, 1909-10."]†

PRINCIPAL ARTICLES.‡	From United Kingdom.	From other Countries.			Total Imports.
		Principal Countries.		All other.	

(i) Articles of Food, Drink and Tobacco.

	£	£	£	£	£
Beer, Ale, and Porter	290,000	Germany 66,000	Belgium 5,000	1,000	362,000
Provisions	777,000	Straits Settlements 336,000	Asiatic Turkey 342,000	577,000	1,932,000
Salt	139,000	Spain 111,000	Aden and Dependencies 55,000	101,000	406,000
Spices	*	Straits Settlements 523,000	Ceylon 150,000	42,000	858,000
Spirits—Whisky	275,000	Germany 1,000	—	2,000	278,000
Sugar, 16 Dutch Standard and above	8,000	Java 4,874,000	Mauritius and Dependencies 1,601,000	142,000	7,172,000
15 Dutch Standard and below	*	Java 137,000	Seychelles 3,000	2,000	147,000
Mulasses	—	Java 159,000	Mauritius and Dependencies 55,000	12,000	226,000
Tobacco, Manufactured (including Cigars and Cigarettes).	339,000	United States 98,000	Egypt 20,000	38,000	551,000

(ii) Raw Materials.

Coal, Coke, and Patent Fuel	356,000	Natal 79,000	Commonwealth of Australia 28,000	21,000	484,000
Oil :	*	United States 1,130,000	Borneo 155,000	339,000	1,674,000
Kerosene	103,000	—	—	55,000	376,000
Lubricating (Mineral)	*	Bahrein Islands 265,000	Arabia 178,000	104,000	537,000
Precious Stones and Pearls, Unset	*	China 432,000	Hong Kong 140,000	59,000	651,000
Silk, Raw	*	—	—	—	—

(iii) Manufactured Articles.

Apparel†	339,000	Japan 43,000	Italy 19,000	80,000	581,000
Books, printed matter and Stationery (see also Paper).	472,000	Austria-Hungary 30,000	Germany 21,000	57,000	574,000
Boots and Shoes	220,000	Austria-Hungary 11,000	United States 4,000	14,000	249,000
Carriages and Carts (including Motor Cars and Cycles).	519,000	Belgium 34,000	Germany 26,000	31,000	610,000
Cement	217,000	—	Hong Kong 8,000	9,000	236,000
Chemicals	421,000	Germany 46,000	Italy 27,000	42,000	536,000
Copper :	*	—	—	—	—
Unwrought :	*	—	—	—	—
Bars, ingots, cakes, and bricks	24,000	Japan 187,000	Ceylon 2,000	—	213,000
Wrought :	*	—	—	—	—
Mixed or yellow metal for sheathing	537,000	Germany 374,000	Belgium 4,000	1,000	916,000
Sheets and other manufactures	437,000	Belgium 128,000	Germany 24,000	42,000	631,000
Cotton :	*	—	—	—	—
Twist and Yarn	2,027,000	Italy 61,000	Holland 47,000	78,000	2,213,000
Wool Goods :	*	—	—	—	—
Gray unbleached—Shirtings	4,495,000	Holland 11,000	—	2,000	4,508,000
Other	7,069,000	United States 142,000	—	20,000	7,170,000
White bleached	4,552,000	Holland 100,000	Austria-Hungary 34,000	36,000	5,122,000
Coloured, printed, or dyed	6,064,000	—	Italy 133,000	228,000	5,790,000
Manufactures (including Sewing Thread).	645,000	Japan 307,000	Germany 175,000	317,000	1,444,000

Notes.—The figures in the above Table are exclusive of Government Stores.

Conversions into £ sterling have been made at the rate of 1s. 4d. per rupee.

* Less than £500.

† Including drapery, uniforms, and accoutrements, for which the details are not separately stated in the original returns.

‡ The aggregate Imports of Food, Raw Materials, and Manufactured Articles into British India are shown in Statement C., page lvi et seq.

BRITISH INDIA—continued.

B.—Value of Principal (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, Imported into British India, by Sea, from the United Kingdom and other Principal Countries during the Year ended 31st March 1910—continued.

PRINCIPAL ARTICLES.†	From United Kingdom.	From other Countries.		Total Imports.
		Principal Countries.	All other.	

(iii) Manufactured Articles—continued.

	£	£	£	£	£
Drugs and Medicines (see also Chemicals)	307,000	Hong Kong 68,000	Japan 64,000	162,000	601,000
Dyeing and Tanning Materials	51,000	Belgium 464,000	France 75,000	149,000	739,000
Glass and Glassware	129,000	Austria-Hungary 314,000	Germany 160,000	129,000	837,000
Haberlasbery and Millinery	356,000	—	Germany 71,000	129,000	663,000
Hardware and Cutlery, including Plated Ware.	1,135,000	Germany 227,000	Austria-Hungary 114,000	56,000	1,742,000
Iron and Steel :	*	—	—	—	—
Iron :	*	—	—	—	—
Bars	30,000	Belgium 124,000	Germany 10,000	8,000	192,000
Nails, Screws, Rivets, and Washers	75,000	—	—	38,000	220,000
Pipes and Tubes	331,000	United States 98,000	—	6,000	435,000
Sheets and Plates	1,780,000	—	Belgium 33,000	10,000	1,889,000
Steel :	*	—	—	—	—
Bars	72,000	Belgium 270,000	Germany 9,000	7,000	658,000
Hoop, Plate, and Sheet	555,000	—	—	9,000	973,000
Beams, Pillars, Girders, and Bridge-work	277,000	—	—	1,000	987,000
Other Sorts of Steel	334,000	—	United States 48,000	18,000	563,000
Machinery and Millwork	3,232,000	United States 104,000	Germany 64,000	77,000	3,477,000
Matches	11,000	Sweden 156,000	Straits Settlements 115,000	156,000	544,000
Painters' Colours and Materials	291,000	Belgium 44,000	Japan 106,000	82,000	382,000
Paper and Pasteboard	399,000	Germany 85,000	Austria-Hungary 60,000	31,000	675,000
Railway Plant and Rolling Stock*	3,248,000	Commonwealth of Australia 320,000	Belgium 40,000	19,000	3,627,000
Silk, Manufactures	83,000	Japan 684,000	China 199,000	256,000	1,211,000
Soap	283,000	Austria-Hungary 9,000	Hong Kong 145,000	17,000	309,000
Umbrellas, Parasols, and Sunshades	118,000	Belgium 29,000	France 144,000	36,000	311,000
Woolen Manufactures	903,000	Germany 338,000	Japan 28,000	69,000	1,387,000

Notes.—The figures in the above Table are exclusive of Government Stores.

Conversions into £ sterling have been made at the rate of 1s. 4d. per rupee.

* Including locomotives.

† The aggregate Imports of Food, Raw Materials, and Manufactured Articles into British India are shown in Statement C., page lvi et seq.

BRITISH SOUTH AFRICA.

B.—VALUE OF PRINCIPAL (i) ARTICLES OF FOOD, DRINK, AND TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, IMPORTED INTO BRITISH SOUTH AFRICA—distinguishing the Produce or Manufactures of the United Kingdom and other Principal Countries—during the Year 1909.

[Extracted from the Trade Returns of British South Africa.]

PRINCIPAL ARTICLES.†	Produce of the United Kingdom.	Produce of other Countries.		Total Imports.
		Principal Countries.	All other.	
(i) Articles of Food, Drink, and Tobacco.				
	£	£	£	£
Beer and Ale	32,000	—	—	7,000
Butter	2,000	Dominion of New Zealand. 94,000	Commonth of Australia. 79,000	45,000
Coffee, raw	*	Brazil 398,000	—	48,000
Confectionery and Preserves	142,000	Commonwealth of Australia. 15,000	—	29,000
Fish, Preserved	42,000	Dominion of Canada. 28,000	Norway 22,000	56,000
Flour and Meal, Wheaten	1,000	Commonth of Australia. 432,000	Dominion of Canada. 223,000	20,000
Grain :				
Rice	2,000	British India 260,000	—	82,000
Wheat	"	Commonth of Australia. 691,000	—	65,000
Meat—Preserved, Salted, and Cured	174,000	United States 51,000	Dominion of Canada. 22,000	47,000
Milk, Preserved	221,000	Norway 43,000	{ Germany 19,000 Holland 18,000 }	31,000
Spirits, Whiskey	237,000	—	—	1,000
Sugar, Refined or Candy	17,000	Mauritius 171,000	{ Commonth of Australia. 94,000 United States 81,000 }	44,000
Tea	47,000	Ceylon 124,000	British India 24,000	6,000

(ii) Raw Materials.

Coal	39,000	—	—	39,000
Nitrates for manufacturing purposes	—	Chile 181,000	43,000	224,000
Oil—Paraffin	—	United States 234,000	11,000	245,000
Wood, Unmanufactured (including planed and grooved).	2,000	Sweden 256,000 United States 132,000	109,000	499,000

(iii) Manufactured Articles.

Agricultural Implements	192,000	United States	134,000	Germany	44,000	56,000	336,000
Apparel and Shirts	1,708,000	Germany	52,000	United States	37,000	41,000	1,838,000
Bags (Cotton, Grain, Flour, and Wool)	30,000	India	288,000	—	—	2,000	323,000
Bicycles (including Motor Bicycles) and parts	176,000	—	—	—	—	13,000	189,000
Books, Printed	174,000	—	—	—	—	19,000	193,000
Boots and Shoes	869,000	United States	33,000	Switzerland	14,000	15,000	929,000
Candles	106,000	—	—	—	—	8,000	113,000
Cement	62,000	Belgium	10,000	—	—	2,000	74,000
Cotton Manufactures:							
Piece Goods	1,042,000	Germany	167,000	France	29,000	48,000	1,286,000
Blankets and Rugs	190,000	Belgium	66,000	Germany	27,000	5,000	283,000
Hosiery and other kinds	562,000	Germany	49,000	—	—	40,000	651,000
Cyanide of Sodium	151,000	"	213,000	—	—	"	364,000
Drugs and Chemicals	129,000	"	15,000	Sweden	15,000	20,000	177,000
Dynamite and Blasting Compounds and Powder	107,000	"	39,000	—	—	"	146,000
Earthen and China Ware (including Bricks and Pipes)	79,000	"	24,000	—	—	8,000	111,000
Electrical Materials	185,000	"	163,000	United States	20,000	6,000	374,000
Furniture and Cabinetware	296,000	United States	23,000	—	—	62,000	381,000
Glass and Glassware (including Bottles)	60,000	Germany	25,000	Belgium	21,000	28,000	129,000
Glycerine for Manufacture of Explosives	141,000	Holland	56,000	Germany	54,000	"	291,000

Note.—The above figures are exclusive of Government Stores.

* Less than 500Z.

† The aggregate imports of Food, Raw Materials, and Manufactured Articles into British South Africa are shown in Statement C., page iv of seq.

BRITISH SOUTH AFRICA—continued.

B.—Value of Principal (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, Imported into British South Africa—distinguishing the Produce or Manufactures of the United Kingdom and other Principal Countries—during the Year 1909—continued.

PRINCIPAL ARTICLES.*	Produce of the United Kingdom.	Produce of other Countries.		Total Imports.
		Principal Countries.	All other.	
(iii) Manufactured Articles—continued.				
	£	£	£	£
Haberdashery	1,204,000	Germany 194,000	France 86,000 Switzerland 57,000	58,000 1,599,000
Hardware and Cutlery	701,000	United States 187,000	Germany 115,000 Belgium 55,000	22,000 1,080,000
Hats and Caps	179,000	—	—	5,000 187,000
Iron and Steel : Bar, Bolt, and Rod	201,000	—	—	12,000 213,000
Galvanized and Corrugated	301,000	United States 19,000	—	1,000 321,000
Pipes and Piping	244,000	Germany 54,000	United States 12,000	1,000 331,000
Leather and Manufactures thereof (except Boots and Shoes and Saddlery).	120,000	Commonwealth of Australia. 61,000	Germany 11,000	14,000 206,000
Linen Manufactures	39,000	—	—	4,000 43,000
Machinery	1,354,000	United States 358,000	Germany 280,000 Germany 18,000 United States 17,000	31,000 2,090,000
Motor Cars and parts thereof	91,000	France 32,000	—	17,000 175,000
Painters' Colours, Pigments, &c.	102,000	United States 11,000	—	8,000 121,000
Paper, Printing	69,000	Dominion of Canada. 34,000	—	12,000 115,000
Railway and Tramway Materials	229,000	Germany 108,000	Belgium 75,000	10,000 422,000
Saddlery and Harness	37,000	—	—	1,000 38,000
Soap	187,000	—	—	12,000 199,000
Stationery (other than Printing Paper)	288,000	Germany 22,000	United States 17,000	14,000 341,000
Wax—Paraffin and Stearine	22,000	British India 71,000	United States 70,000	44,000 207,000
Woollen Goods	682,000	Germany 28,000	France 21,000	9,000 730,000

Note.—The above figures are exclusive of Government Stores.

* The aggregate imports of Food, Raw Materials, and Manufactured Articles into British South Africa are shown in Statement C., page iv of seq.

The following Statement shows the Proportion of the Total Value of Merchandise, exclusive of Government Stores, Imported into British South Africa in 1909, according to the various Routes.

Routes.	Value of Imports of Merchandise in 1909.	
	£	
Via Cape of Good Hope	14,214,000	
" Natal	7,136,000	
" Delagoa Bay	4,826,000	
" Beira	965,000	
" Feira and overland	4,000	
Total	27,145,000	

COMMONWEALTH OF AUSTRALIA.

B.—VALUE OF PRINCIPAL (i) ARTICLES OF FOOD, DRINK AND TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, IMPORTED INTO THE COMMONWEALTH OF AUSTRALIA—distinguishing the Produce or Manufacture of the United Kingdom and other Principal Countries—during the Year 1909.

[Extracted from the Commonwealth Trade Returns.]

PRINCIPAL ARTICLES.†	Produce of the United Kingdom	Produce of other Countries.		Total Imports.
		Principal Countries.	All other.	
(i) Articles of Food, Drink and Tobacco.				
	£		£	£
Beer and Ale	323,000	Germany 60,000	—	2,000
Fish, Preserved in Tins, &c.	101,000	United States 123,000	—	147,000
Milk and Cream, Concentrated and Preserved,	135,000	Switzerland 4,000	—	5,000
Spirits—Whiskey	561,000	—	—	1,000
Sugar, Produce of the Cane	—	Java 845,000	Fiji 220,000	58,000
Tea	—	Ceylon 702,000	India 224,000	122,000
Tobacco, Unmanufactured	—	Dutch East Indies 293,000	—	35,000

(ii) Raw Materials.

Oil, Kerosene and other Refined Petroleum Oils,	*	United States 577,000	Sumatra 53,000	— 630,000
Timber, Undressed :	—	New Zealand 457,000	— —	457,000
New Zealand Pine	—	United States 531,000	Canada 74,000	147,000
All other, Undressed	1,000	— —	— —	753,000

(iii) Manufactured Articles.

Acids and Alkalies	125,000	France 20,000	Germany 10,000	6,000	161,000
Agricultural Implements and Machinery	74,000	United States 158,000	Canada 150,000	8,000	390,000
Apparel and Attire :	408,000	Germany 136,000	— —	2,000	546,000
Socks and Stockings of Cotton and other Materials,	1,067,000	" 315,000	United States 90,000	210,000	1,692,000
Hats, Caps, and Bales (Textile)	8,000	India 1,190,000	— —	1,000	1,198,000
Books (printed), Music, Periodicals, and Newspapers,	405,000	United States 35,000	— —	14,000	515,000
Boots and Shoes and minor Articles for the same,	220,000	" 67,000	Austria-Hungary 21,000	27,000	335,000
Canvas, Duck, and Hessians	216,000	India 158,000	— —	16,000	390,000
Clocks and Watches	38,000	Switzerland 66,000	United States 60,000	24,000	188,000
Costles, Cushions, Furniture Drapery, &c.	239,000	Germany 32,000	Japan 21,000	29,000	321,000
Cutlery (including Plated Ware)	920,000	United States 28,000	Germany 28,000	2,000	978,000
Drugs and Chemicals, (See also Acids and Alkalies.)	326,000	France 135,000	" 88,000	50,000	603,000
Dynamite, Gelignite, and other Explosives,	425,000	Germany 33,000	— —	20,000	528,000
Electrical and Gas Appliances	149,000	" 50,000	United States 18,000	15,000	232,000
Fancy Goods	163,000	" 120,000	France 32,000	61,000	375,000
Floor Cloths and Coverings	449,000	Japan 6,000	Germany 7,000	8,000	465,000
Furniture (not Metal) and minor Articles for the same,	117,000	United States 49,000	Austria-Hungary 19,000	46,000	231,000
Glass and Glassware	108,000	Belgium 114,000	Germany 77,000	62,000	361,000
Gloves	49,000	Germany 114,000	France 62,000	68,000	293,000
Hats and Caps	235,000	" 52,000	Italy 52,000	117,000	456,000
India-rubber and Manufactures of	158,000	" 110,000	Brazil 40,000	148,000	466,000
Iron and Steel : (See also Wire).	394,000	" 57,000	Belgium 52,000	55,000	556,000
Plate, Rod, Angle, and Tee	1,375,000	United States 63,000	— —	2,000	1,440,000
Corrugated,	—	— —	— —	— —	—
Plate and sheet (not galvanised)	149,000	Germany 60,000	Belgium 20,000	2,000	250,000
Pipes, Tubes, and Fittings	423,000	United States 58,000	Germany 40,000	10,000	531,000
Jewellery and Imitation Jewellery	193,000	Germany 55,000	Austria-Hungary 4,000	10,000	272,000
Leather and Leather Manufactures	101,000	United States 260,000	Germany 67,000	30,000	518,000
Machines and Machinery :	167,000	" 93,000	" 47,000	16,000	323,000
Electrical	688,000	" 61,000	— —	18,000	767,000
Engines of all kinds	807,000	" 480,000	Germany 102,000	102,000	1,491,000
Other kinds	—	— —	— —	— —	—

Note.—The above figures are exclusive of Inter-State trade.

* Less than 500l.

† The aggregate imports of Food, Raw Materials and Manufactured Articles into the Commonwealth of Australia are shown in Statement C., page lvi *et seq.*

COMMONWEALTH OF AUSTRALIA—continued.

B.—Value of Principal (i) Articles of Food, Drink and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, Imported into the Commonwealth of Australia—distinguishing the Produce or Manufacture of the United Kingdom and other Principal Countries—during the Year 1909—continued.

PRINCIPAL ARTICLES.†	Produce of the United Kingdom.	Produce of other Countries.			Total Imports.
		Principal Countries.		All other.	
(iii) Manufactured Articles—continued.					
Matches and Vestas	58,000	Sweden 47,000	Belgium 23,000	23,000	158,000
Medicines	123,000	United States 72,000	— —	17,000	212,000
Musical Instruments—Pianos	34,000	Germany 213,000	— —	13,000	260,000
Paints and Colours	271,000	United States 44,000	Germany 11,000	6,000	332,000
Paper—Printing	234,000	Canada 130,000	United States 28,000	121,000	589,000
Other kinds	341,000	Germany 117,000	" 64,000	120,000	617,000
Piece Goods :	3,203,000	United States 123,000	Germany 102,000	183,000	3,611,000
Cotton and Linen	—	Japan 241,000	France 208,000 Switzerland 165,000	165,000	869,000
Silk, or containing Silk	90,000	Switzerland 307,000	Germany 240,000	208,000	1,094,000
Velvets, Velvetines, Plushes, &c.	270,000	Holland 15,000	" 10,000	6,000	157,000
Flannelettes	127,000	France 227,000	" 112,000	34,000	1,366,000
Other Piece Goods containing Wool	1,596,000	United States 140,000	Canada 103,000	28,000	893,000
Hallway and Tramway Materials	437,000	Germany 68,000	United States 30,000	19,000	295,000
Stationery	178,000	United States 27,000	— —	8,000	347,000
Thread, Sewing Silks, Twists, and Cottons, including Crochet Cotton,	312,000	— —	— —	—	—
Tinned Plates and Sheets, Plain	284,000	United States 160,000	Germany 21,000	8,000	369,000
Tools of Trade, not being Machines	210,000	Germany 64,000	France 47,000	7,000	157,000
Trimmings and Ornaments	49,000	— —	— —	—	—
Vehicles :	171,000	United States 16,000	Canada 12,000	19,000	218,000
Bicycles, Tricycles, and Motor Cycles (including parts),	—	— —	— —	—	—
Chassis and bodies for Motor Cars, Lorries, and Waggon, and parts thereof,	282,000	France 97,000	United States 45,000 Italy 30,000	44,000	498,000
Wire :	75,000	Germany 306,000	United States 158,000	14,000	553,000
Iron and Steel	216,000	" 150,000	— —	1,000	367,000
Netting	64,000	United States 49,000	Germany 42,000	5,000	160,000
All other Wire (including barbed)	—	— —	— —	—	—

Note.—The above figures are exclusive of Inter-State trade.

* Less than 500l.

† The aggregate imports of Food, Raw Material and Manufactured Articles into the Commonwealth of Australia are shown in Statement C., page lvi *et seq.*

DOMINION OF NEW ZEALAND.

B.—VALUE OF PRINCIPAL (i) ARTICLES OF FOOD, DRINK, AND TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, IMPORTED INTO THE DOMINION OF NEW ZEALAND FROM THE UNITED KINGDOM AND OTHER PRINCIPAL COUNTRIES during the Year 1909.

[Extracted from the New Zealand Trade Returns.]

PRINCIPAL ARTICLES.†	From United Kingdom.	From other Countries.			Total Imports.
		Principal Countries.		All other.	
(i) Articles of Food, Drink, and Tobacco.					
	£	£	£	£	£
Fruits :					
Dried - - - - -	3,000	Asia Minor - 37,000	Greece - - 27,000	19,000	123,000
Fresh - - - - -	—	Commonwealth 72,000	United States 31,000		
		of Australia.	Fiji - - - 57,000	36,000	165,000
Spirits—Whiskey	207,000	Fiji " - 2,000	Java - - - 54,000	1,000	210,000
Sugar, Raw	—	528,000	Commonwealth 38,000	2,000	582,000
			of Australia.		
Tea - - - - -	—	Ceylon - 232,000	India - - - 28,000	8,000	280,000
Tobacco, Manufactured	144,000	Commonwealth 123,000	United States 79,000		353,000
		of Australia.			
(ii) Raw Materials.					
Coal - - - - -	*	Commonwealth 253,000	—	—	253,000
		of Australia.			
Oils :					
Lined - - - - -	39,000	—	—	2,000	41,000
Kerosene - - - - -	—	United States 129,000	—	—	129,000
Other Mineral - - - - -	9,000	" - 74,000	—	9,000	92,000
Manures of all kinds - - - - -	45,000	Commonwealth 82,000	British India - 60,000	82,000	269,000
		of Australia.			
Seeds of all kinds - - - - -	70,000	United States 30,000	Germany - 11,000	13,000	124,000
Timber :					
Logs, Hewn - - - - -	*	Commonwealth 112,000	—	*	112,000
		of Australia.			
Sawn, Undressed - - - - -	1,000	" - 112,000	United States 32,000	8,000	168,000
			Canada - 15,000		
(iii) Manufactured Articles.					
Apparel and Slips - - - - -	682,000	United States 22,000	Belgium - - 12,000	28,000	744,000
Bags, Sacks and Woolpacks - - - - -	1,000	British India - 220,000	—	8,000	229,000
Bicycles and parts - - - - -	98,000	Commonwealth 44,000	Germany - 12,000	3,000	152,000
		of Australia.			
Books - - - - -	137,000	United States - 50,000	—	7,000	188,000
Boots and Shoes - - - - -	201,000	25,000	Commonwealth 13,000	9,000	248,000
			of Australia.		
Carpeting and Druggeting - - - - -	59,000	Commonwealth 2,000	British India - 1,000	*	62,000
		of Australia.			
Carriages and Carts (including Motor Cars and Motor Cycles) and Materials.	182,000	United States 23,000	Commonwealth 21,000	16,000	242,000
Cement - - - - -	47,000	—	of Australia.	—	47,000
Cotton Piece Goods - - - - -	700,000	Commonwealth 19,000	United States 17,000	9,000	745,000
		of Australia.			
Drapery and Haberdashery - - - - -	672,000	" - 25,000	—	17,000	614,000
Drugs and Apothecaries' Wares. (See also Medicines.)	147,000	France - - 35,000	Commonwealth 30,000	25,000	232,000
			of Australia.		
Earthenware and Chinaware - - - - -	101,000	Germany - 9,000	" - 4,000	5,000	119,000
Fancy Goods and Toys - - - - -	129,000	Commonwealth 32,000	Germany - 28,000	21,000	210,000
		of Australia.			
Furniture, Cabinetware, and Upholstery - - - - -	23,000	United States 6,000	Canada - - 4,000	11,000	44,000
Glass and Glassware :					
Bottles, Empty - - - - -	26,000	Germany - 16,000	Commonwealth 7,000	3,000	52,000
			of Australia.		
Plate and Window Glass - - - - -	14,000	Belgium - 13,000	Germany - 1,000	1,000	59,000
Other - - - - -	24,000	Germany - 11,000	United States 10,000	6,000	51,000
Hardware, Hollow ware, and Ironmongery - - - - -	266,000	United States 42,000	Germany - 11,000	10,000	329,000

* Less than 500*l*.

† The aggregate imports of Food, Raw Materials, and Manufactured Articles into the Dominion of New Zealand are shown in Statement C., page *lv* of *seq.*

DOMINION OF NEW ZEALAND—continued.

B.—Value of Principal (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, Imported into the Dominion of New Zealand from the United Kingdom and other Principal Countries during the Year 1909—continued.

PRINCIPAL ARTICLES.†	From United Kingdom.	From other Countries.			Total Imports.
		Principal Countries.		All other.	
(iii) Manufactured Articles—continued.					
	£	£	£	£	£
Hats and Caps - - - - -	85,000	Commonwealth of Australia. 2,000	Italy - - - 1,000	2,000	90,000
Hosiery - - - - -	152,000	Germany - 2,000	—	1,000	155,000
Iron and Steel :					
Pig, Bar, Bolt, and Rod - - - - -	172,000	Commonwealth of Australia. 9,000	British India - 3,000	1,000	185,000
Nails - - - - -	15,000	United States 13,000	Canada - - - 11,000	6,000	45,000
Pipes and Fittings - - - - -	140,000	Commonwealth of Australia. 12,000	—	4,000	156,000
Railway Rails - - - - -	134,000	" " - 2,000	United States 1,000	1,000	138,000
Sheet (including Galvanized) and Plate - - - - -	341,000	" " - 4,000	—	1,000	346,000
Wire Fencing, including Barbed Wire - - - - -	67,000	United States 43,000	Germany - 10,000	2,000	122,000
Leather, Raw - - - - -	62,000	Commonwealth of Australia. 45,000	United States 20,000	7,000	135,000
Linen Piece Goods - - - - -	82,000	British India - 23,000	Commonwealth of Australia. 8,000	1,000	114,000
Machinery and Machines :					
Agricultural and Dairying - - - - -	36,000	United States 59,000	Canada - - 26,000	42,000	162,000
Electric - - - - -	140,000	" - 25,000	Commonwealth of Australia. 21,000	25,000	212,000
Engines and Boilers (except Locomotives). - - - - -	96,000	" - 20,000	" " - 4,000	2,000	122,000
Mining - - - - -	14,000	Commonwealth of Australia. 8,000	United States 5,000	*	27,000
Sewing Machines - - - - -	30,000	United States 14,000	Germany - 4,000	8,000	56,000
Other Machinery and parts (except Machine Tools). - - - - -	140,000	" - 33,000	Commonwealth of Australia. 21,000	7,000	201,000
Medicines - - - - -	71,000	Commonwealth of Australia. 53,000	United States 13,000	4,000	141,000
Millinery - - - - -	63,000	" " - 6,000	—	*	74,000
Musical Instruments—Pianos - - - - -	53,000	Germany - 30,000	United States 2,000	3,000	88,000
Oil and Floor Cloth - - - - -	97,000	—	—	1,000	98,000
Paints and Colours - - - - -	93,000	United States 8,000	Commonwealth of Australia. 4,000	1,000	106,000
Paper, Printing - - - - -	89,000	Canada - - 59,000	United States 8,000	2,000	155,000
Plate and Plated Ware - - - - -	60,000	Commonwealth of Australia. 2,000	—	1,000	63,000
Railway and Tramway Plant - - - - -	50,000	—	—	3,000	53,000
Silk Manufactures - - - - -	25,000	Japan - - 13,000	Commonwealth of Australia. 2,000	2,000	42,000
Soap - - - - -	24,000	Commonwealth of Australia. 26,000	—	8,000	58,000
Stationery - - - - -	137,000	" " - 20,000	United States - 3,000	15,000	180,000
Textile Piece Goods, other than Silk, Cotton, Linen or Woollen. - - - - -	310,000	Commonwealth of Australia. 24,000	Japan - - 22,000	10,000	366,000
Tin: Sheet and Block - - - - -	61,000	" " - 22,000	—	*	83,000
Tools and Implements (including Machine Tools). - - - - -	80,000	United States 49,000	Commonwealth of Australia. 9,000	8,000	146,000
Woollen Piece Goods - - - - -	216,000	Commonwealth of Australia. 8,000	—	1,000	225,000

* Less than 500*l*.

† The aggregate imports of Food, Raw Materials, and Manufactured Articles into the Dominion of New Zealand are shown in Statement C., page *lv* of *seq.*

DOMINION OF CANADA.

B.—VALUE OF PRINCIPAL (i) ARTICLES OF FOOD, DRINK, and TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, IMPORTED into the DOMINION of CANADA from the United Kingdom and other Principal Countries during the Year ended 31st March 1910.

[Extracted from the Canadian Trade Returns.]

PRINCIPAL ARTICLES.†	From United Kingdom.	From other Countries.			Total Imports.
		Principal Countries.		All other.	

(i) Articles of Food, Drink, and Tobacco.					
Bacon and Ham	—	United States	171,000	—	171,000
Cocoa and Chocolate	69,000	"	120,000	{ British West Indies 16,000 Holland 16,000 Central American States 18,000 Mexico 17,000	{ 10,000 39,000
Coffee, Green	37,000	Brazil	135,000		246,000
Fruit, Green : Bananas	—	United States	279,000	British West Indies 29,000	308,000
Oranges, Lemons, &c.	34,000	"	443,000	Italy 50,000	549,000
Fruit, Dried	13,000	"	174,000	{ Spain 82,000 Greece 81,000	{ 41,000 291,000
Grain, &c. : Indian Corn	1,000	"	1,068,000	—	1,071,000
Rice	81,000	Japan	55,000	China 20,000	177,000
Wheat	—	United States	2,481,000	—	2,481,000
Lard	—	"	279,000	—	279,000
Nuts (edible) of all kinds	7,000	France	90,000	{ United States 70,000 Spain 54,000	{ 29,000 260,000
Spirits :	—	"	147,000	—	153,000
Brandy	4,000	United States	2,000	—	304,000
Whiskey	302,000	Hong Kong	8,000	—	241,000
Sugar, Refined	226,000	British West Indies	734,000	{ British Guiana 725,000 " Africa 177,000	{ 714,000 2,350,000
" not above No. 16 Dutch standard	—	"	291,000	United States 18,000	319,000
Molasses and Syrups	4,000	British East Indies	520,000	Japan 155,000	1,690,000
Tes	354,000	United States	641,000	Cuba 29,000	709,000
Tobacco, unmanufactured	15,000	"	207,000	France 30,000	270,000
Vegetables	23,000	France	119,000	Spain 35,000	195,000
Wine of all kinds	11,000				

(ii) Raw Materials.

Coal and Coke	49,000	United States 6,221,000	—	—	6,300,000
Cotton, Raw	2,000	" 1,924,000	—	3,000	1,929,000
Diamonds, Unset	112,000	Holland 123,000	Belgium 84,000	27,000	409,000
Fur Skins, Not Dressed	52,000	United States 614,000	United States 33,000	58,000	805,000
Grasses of all kinds	2,000	" 192,000	Germany 144,000	2,000	196,000
Gums	2,000	" 452,000	—	6,000	460,000
Hides and Skins, Raw	380,000	Argentina Republic 447,000	United States 362,000	355,000	1,695,000
India Rubber, Crude	41,000	United States 677,000	France 149,000	10,000	731,000
Oil, Mineral and Lubricating	13,000	" 719,000	—	1,000	733,000
Ores of metal of all kinds	6,000	" 563,000	Newfoundland 115,000	4,000	688,000
Wood:	—	" 380,000	" 1,000	—	381,000
Planks, boards, and other lumber, sawn, split, or cut, not further manufactured than dressed on one side only.	—	" 962,000	—	6,000	972,000
Lumber and timber, including staves, logs, and round unmanufactured timber.	4,000	" 962,000	—	6,000	972,000
Wool, not further prepared than Washed	201,000	France 40,000	United States 33,000	52,000	326,000

Note.—Conversions into £ Sterling have been made at the rate of 4s. 1½d. per dollar.

* Less than 5000.

† The aggregate Imports of Food, Raw Materials, and Manufactured Articles into the Dominion of Canada are shown in Statement C, page lvi of seq.

‡ Not otherwise manufactured than rough sawn or split, or crosscut, vulcanized, or treated by any other preserving process.

DOMINION OF CANADA—continued.

B.—Value of Principal (i) Articles of Food, Drink, and Tobacco; (ii) Raw Materials; and (iii) Manufactured Articles, Imported into the Dominion of Canada from the United Kingdom and other Principal Countries during the Year ended 31st March 1910—continued.

31st March 1910—continued.

PRINCIPAL ARTICLES.†	From United Kingdom.	From other Countries.		Total Imports.	
		Principal Countries.	All other.		
(iii) Manufactured Articles.					
Books, Printed	158,000	United States 296,000	France 27,000	13,000	494,000
Boots and Shoes of Leather	37,000	" 275,000	—	1,000	313,000
Brass Manufactures	66,000	" 335,000	Germany 5,000	10,000	416,000
Copper in Ingots, Bars, Bolts, and Rods	—	" 546,000	—	—	546,000
" Strips, Sheets, and Plates, &c.	3,000	" 98,000	—	—	101,000
Cordage and Twine and Manufactures thereof.	45,000	" 398,000	—	—	443,000
Cotton:					
Clothing, including Shirts, Shawls, &c.	209,000	" 235,000	Germany 79,000	18,000	541,000
Embroideries, White and Cream Colored.	40,000	Switzerland 160,000	United States 10,000	22,000	232,000
Piece Goods (including Velveteens and Cotton Velvets, Juans, and Colored and Uncolored Fabrics).	1,717,000	United States 276,000	France 20,000	22,000	2,035,000
Thread, Sewing and Crochet	165,000	" 51,000	Belgium 2,000	2,000	220,000
Lace, White and Cream Colored	165,000	Switzerland 20,000	Germany 20,000	31,000	236,000
Curtains and Shawls	106,000	United States 20,000	Switzerland 10,000	9,000	145,000
Drugs, Dyes, Chemicals, and Medicines	470,000	" 1,369,000	Germany 71,000	118,000	2,089,000
Earthen, China, and Porcelain Ware	238,000	" 35,000	France 61,000	—	379,000
Electric Apparatus, Dynamos, Batteries, &c.	89,000	" 650,000	Germany 33,000	53,000	739,000
Fancy Goods	307,000	" 152,000	Sweden 9,000	11,000	706,000
Flax, Hemp, and Jute Manufactures	811,000	British East Indies 132,000	Germany 125,000	24,000	1,032,000
Fur Skins, wholly or partially Dressed	74,000	United States 51,000	France 98,000	35,000	209,000
Glass and Glassware:					
Bottles, Flasks, Tableware, &c.	24,000	" 129,000	United States 16,000	40,000	209,000
Plate and Window Glass	153,000	Belgium 112,000	United States 8,000	12,000	285,000
Other Glass and Glassware	35,000	United States 46,000	France 11,000	14,000	106,000
Gloves and Mitts	167,000	France 114,000	United States 58,000	57,000	396,000
Hats and Caps (except of Fur)	340,000	United States 222,000	France 18,000	14,000	591,000
India Rubber, manufactures of	181,000	" 390,000	—	13,000	534,000
Iron and Steel Manufactures:					
Agricultural Implements and Machines	2,000	" 534,000	—	—	543,000
Other Machinery, including Engines and Boilers.	275,000	" 2,139,000	Germany 55,000	15,000	3,481,000
Railway and Tramway Rails	60,000	" 227,000	—	—	287,000
All other Manufactures of Iron or Steel	1,952,000	" 5,689,000	Germany 213,000	108,000	7,962,000
Jewellery	52,000	" 187,000	" 15,000	21,000	275,000
Lamps, Side Lights, &c.	13,000	" 115,000	Austria-Hungary 20,000	4,000	162,000
Leather, Unwrought	137,000	" 283,000	Germany 7,000	9,000	436,000
Motor Cars (other than for Railways and Tramways) and parts thereof.	26,000	" 391,000	France 12,000	1,000	430,000
Nets, Fishing, and Lines	81,000	" 81,000	—	10,000	185,000
Oilcloth	174,000	" 20,000	—	—	191,000
Paints and Colours	123,000	" 129,000	Germany 24,000	9,000	285,000
Paper, including Manufactures	212,000	" 663,000	" 21,000	62,000	958,000
Ribbons of all kinds	134,000	France 78,000	Switzerland 60,000	62,000	321,000
Silk Manufactures	517,000	" 169,000	Switzerland 145,000	190,000	1,142,000
United States 121,000					
Soap	15,000	United States 125,000	France 28,000	1,000	169,000
Tin:					
Blocks, Plugs, and Bars	101,000	" 82,000	British East Indies 18,000	3,000	207,000
Plates and Sheets	387,000	" 167,000	—	—	494,000
Watches and Clocks, including parts	16,000	" 198,000	Switzerland 54,000	32,000	300,000
Wood:					
Fence Posts and Railway Ties	—	" 136,000	—	—	136,000
Furniture, House, Cabinet or Office	18,000	" 175,000	—	12,000	205,000
Woolen Manufactures:					
Carpets, Brussels, Tapestry and Axminster.	205,000	—	—	6,000	211,000
Coatings and Overcoatings	310,000	—	—	10,000	320,000
Dress and Piece Goods:					
Cassimeres, cloths and dovelins	649,000	France 25,000	Germany 8,000	12,000	695,000
Tweeds	375,000	" 4,000	—	3,000	382,000
Other Dress and Piece Goods (including Flannels).	1,332,000	" 283,000	Germany 15,000	27,000	1,694,000
Hosiery, Shirts and Underwear	385,000	Germany 27,000	United States 18,000	8,000	438,000
Ready-made clothing	144,000	United States 136,000	Germany 44,000	6,000	330,000
Yarns	233,000	Germany 9,000	—	1,000	343,000
Zinc in Blocks, &c.	49,000	Belgium 80,000	United States 29,000	19,000	177,000

Note.—Conversions into £ Sterling have been made at the rate of 4s. 1½d. per dollar.

* Less than 5000.

† The aggregate Imports of Food, Raw Materials, and Manufactured Articles into the Dominion of Canada are shown in Statement C, page lvi of seq.

NEWFOUNDLAND.

B.—VALUE of PRINCIPAL (i) ARTICLES of FOOD, DRINK and TOBACCO; (ii) RAW MATERIALS; and (iii) MANUFACTURED ARTICLES, IMPORTED into NEWFOUNDLAND from the United Kingdom and other Principal Countries during the Year ended 30th June 1909.

[Extracted from the Newfoundland Trade Returns.]

PRINCIPAL ARTICLES :	From United Kingdom.	From other Countries.		Total Imports.	
		Principal Countries.	All other.		
(i) Articles of Food, Drink and Tobacco.					
Butter	£ 7,000	Canada - £ 12,000	United States - £ 1,000	£ —	£ 20,000
Flour	†	" - 297,000	" - 65,000	†	362,000
Grain: Oats	—	" - 19,000	—	1,000	20,000
Meats:					
Bacon, Hams and Tongues	1,000	United States 9,000	Canada - 2,000	—	12,000
Beef, Salted	—	" 73,000	" - 7,000	—	80,000
Pork, Salted	—	" 80,000	" - 7,000	—	87,000
Pigs' Heads, Jowls, Tongues, &c.	†	" 10,000	—	†	10,000
Oils and Lard, &c., for Butterine	7,000	" 74,000	—	2,000	83,000
Salt	†	Spain - 17,000	Canada - 3,000	3,000	23,000
Spirits—Whiskey	7,000	United States 27,000	Canada - 9,000	†	7,000
Sugar	†	British West Indies - 58,000	" - 8,000	2,000	38,000
Molasses	—	Ceylon - 18,000	" - 7,000	—	66,000
Tea	2,000	United States 20,000	—	2,000	24,000
Tobacco:				†	10,000
Manufactured	2,000	" 10,000	—	—	—
Unmanufactured	—	—	—	—	—
(ii) Raw Materials.					
Coal	9,000	Canada - 106,000	United States - 10,000	†	125,000
Oil: Kerosene	—	United States 19,000	Canada - 5,000	—	24,000
(iii) Manufactured Articles.					
Apparel (Ready-made Clothing, Hosiery, &c.)	29,000	United States - 6,000	Canada - 2,000	†	37,000
Articles for the Anglo-Development Co.*	1,000	" 100,000	—	1,000	102,000
Cabinetware	2,000	Canada - 7,000	United States - 1,000	†	10,000
China-ware	5,000	—	—	1,000	6,000
Glass and Glassware	3,000	United States - 2,000	Belgium - 2,000	1,000	8,000
Hardware, Hollow-ware, and Tinware (see also "Iron and Steel Nails, &c.")	23,000	" - 18,000	Canada - 12,000	2,000	37,000
Hats and Caps	9,000	" - 2,000	" - 2,000	†	13,000
India-rubber Boots and Shoes, Hose, Clothing, &c.	1,000	" - 9,000	" - 5,000	†	15,000
Iron and Steel:					
Nails, Tacks, and Brads	2,000	" - 3,000	" - 3,000	†	8,000
Other, including Tubes and Pipes	11,000	" - 5,000	" - 5,000	†	21,000
Leather:					
Sole	†	Canada - 21,000	" - 10,000	†	31,000
Other	†	Canada - 9,000	United States - 4,000	†	13,000
Leatherware	3,000	United States 16,000	Canada - 4,000	1,000	26,000
Machines and Machinery:					
Locomotives and Automobiles	2,000	United States 6,000	Canada - 2,000	3,000	13,000
For Mining purposes	4,000	Canada - 19,000	United States 6,000	—	29,000
Other Machines, &c. (including Sewing Machines).	3,000	United States 13,000	Canada - 11,000	1,000	28,000
Medicines	6,000	Canada - 9,000	United States 3,000	†	18,000
Oil Cake, Meal and Cattle Feed	1,000	United States 14,000	Canada - 4,000	†	19,000
Paints, Colours, and Varnishes	4,000	Canada - 8,000	United States 4,000	1,000	17,000
Soap	5,000	United States 3,000	—	1,000	9,000
Stationery and Books	14,000	Canada - 13,000	United States 8,000	1,000	35,000
Textiles:					
Hemp, and Coir Yarn, Shal, &c.	18,000	United States 13,000	Canada - 1,000	1,000	33,000
All other Yarns	6,000	—	—	†	6,000
Flannels, Serges	3,000	—	—	†	3,000
Canvas, Sail and Tarpanlin	2,000	United States 5,000	Canada - 2,000	†	9,000
Cordage, Lines, and Twines	7,000	" 17,000	" - 2,000	2,000	26,000
Cotton Fabrics	37,000	" 11,000	" - 2,000	†	50,000
Dress Goods and Tweeds	49,000	Canada - 2,000	—	†	51,000
Ribbons, Velvet, and Laces, and Dressed Feathers	29,000	" - 3,000	United States 2,000	†	34,000
Other Textiles (Blankets, Quilts, Carpets, Linen, &c.)	56,000	United States 14,000	Canada - 9,000	1,000	80,000

Note.—Conversions into £ sterling have been made at the rate of 4s. 1½d. per dollar.

* Further details as to the various articles imported are not stated in the original trade returns.

† Less than 5000.

‡ The aggregate imports of Food, Raw Materials, and Manufactured Articles into Newfoundland are shown in Statement C, page 1st et seq.

STATISTICS RELATING TO THE TRADE OF INDIA, THE DOMINIONS, AND COLONIES, &c.

PART C.

STATEMENT SHOWING:—

Total Value of Imports into and Exports from British India, the Self-Governing Dominions, and the Principal Crown Colonies, in each of the Years 1905 to 1909, showing separately Food, Drink, and Tobacco; Raw Materials; Manufactured Articles; and Bullion and Specie, and distinguishing Trade with—

- (i) United Kingdom,
- (ii) British Possessions, and
- (iii) Foreign Countries.

C.—TOTAL VALUE of the IMPORTS into and EXPORTS from BRITISH INDIA, the SELF-
to 1909, showing separately FOOD, DRINK, and TOBACCO; RAW MATERIALS;
Trade with (i) the UNITED KINGDOM, (ii) BRITISH

—	Years.	Merchandise.				Bullion and Specie.
		Food, Drink, and Tobacco.	Raw Materials and Articles mainly Unmanu- factured.	Articles wholly or mainly Manufactured.	Total Merchandise. .	
(i.) Imports from the United Kingdom.						
British India (by sea)†	1905	£ 2,154,000	£ 1,184,000	£ 47,497,000	£ 51,235,000	£ 13,515,000
	1906	2,102,000	1,004,000	49,980,000	53,747,000	19,916,000
	1907	2,147,000	1,190,000	58,030,000	61,860,000	15,906,000
	1908	2,151,000	1,053,000	51,620,000	55,332,000	11,320,000
	1909	2,186,000	1,033,000	48,628,000	52,354,000	14,275,000
Self-Governing Dominions :						
Commonwealth of Aus- tralia.	1905	2,047,000	560,000	20,321,000	23,022,000	53,000
	1906	2,178,000	675,000	23,469,000	26,446,000	130,000
	1907	2,506,000	658,000	28,219,000	31,530,000	377,000
	1908†	1,975,000	376,000	22,617,000	25,057,000	217,000
	1909	1,945,000	391,000	23,368,000	25,820,000	43,000
Dominion of New Zea- land.	1905	599,000	226,000	6,811,000	7,784,000	11,000
	1906	664,000	211,000	7,865,000	8,922,000	80,000
	1907	775,000	336,000	8,913,000	10,278,000	—
	1908	812,000	273,000	9,105,000	10,442,000	—
	1909	754,000	216,000	7,986,000	9,181,000	106,000
Dominion of Canada	1905‡	974,000	1,231,000	10,130,000	12,444,000	—
	1906‡	1,166,000	1,328,000	11,637,000	14,246,000	2,000
	1906‡	1,000,000	1,061,000	11,039,000	13,290,000	34,000
	1907‡	1,640,000	1,178,000	16,616,000	19,592,000	112,000
	1908‡	1,633,000	960,000	11,781,000	14,503,000	—
	1909‡	1,802,000	1,702,000	15,972,000	19,665,000	3,000
Newfoundland‡	1905	70,000	22,000	426,000	519,000	27,000
	1906	64,000	18,000	462,000	545,000	—
	1907	65,000	17,000	466,000	548,000	1,000
	1908	75,000	13,000	450,000	539,000	10,000
	1909	73,000	17,000	402,000	492,000	21,000
British South Africa	1906§	1,953,000	356,000	15,459,000	18,488,000	650,000
	1907	1,662,000	341,000	13,734,000	16,094,000	146,000
	1908	1,433,000	299,000	12,640,000	14,411,000	22,000
	1909	1,496,000	370,000	14,803,000	16,706,000	149,000

Note.—See General Note, pp. lxx-lxxi.

* Inclusive of Miscellaneous and Unclassified Articles and Parcel Post, excluded from the previous columns.

† For the 12 months ended 31st March of the years following those stated.

‡ For the 12 months ended 30th June of the years stated.

§ The Trade Returns for British South Africa as a whole were compiled for the first time in 1906. The aggregate trade of the States included in the Union of South Africa with individual Countries grouped as above, exclusive of duplicate entries, is not separately stated in the Returns.

GOVERNING DOMINIONS, and the PRINCIPAL CROWN COLONIES, in each of the years 1905
MANUFACTURED ARTICLES; and BULLION and SPECIE; and distinguishing
POSSESSIONS, and (iii) FOREIGN COUNTRIES.

Merchandise (Domestic and other Produce).				Bullion and Specie.	Years.	—
Food, Drink, and Tobacco.	Raw Materials and Articles mainly Unmanu- factured.	Articles wholly or mainly Manufactured.	Total Merchandise. —			
(i.) Exports to the United Kingdom.						
£	£	£	£	£		
11,042,000	11,835,000	4,033,000	27,132,000	8,363,000	1905	} British India (by sea).†
11,041,000	15,092,000	5,644,000	31,959,000	2,036,000	1906	
12,491,000	12,227,000	5,480,000	30,546,000	2,204,000	1907	
7,681,000	11,400,000	5,050,000	24,561,000	2,410,000	1908	
15,024,000	12,893,000	4,804,000	32,947,000	2,194,000	1909	
7,096,000	11,467,000	3,652,000	22,228,000	4,474,000	1905	} Self-Governing Dominions : Commonwealth of Aus- tralia.
8,036,000	13,778,000	4,606,000	26,433,000	6,421,000	1906††	
8,335,000	16,301,000	4,539,000	29,192,000	4,784,000	1907††	
6,634,000	14,784,000	3,485,000	24,939,000	4,537,000	1908††	
10,678,000	14,070,000	3,765,000	28,514,000	2,403,000	1909††	
4,377,000	6,806,000	97,000	11,296,000	792,000	1905	} Dominion of New Zealand.
4,827,000	8,596,000	85,000	13,522,000	525,000	1906	
5,696,000	9,759,000	111,000	15,584,000	949,000	1907	
5,099,000	6,831,000	78,000	12,029,000	1,115,000	1908	
7,042,000	7,818,000	139,000	15,021,000	1,172,000	1909	
16,127,000	3,481,000	1,171,000	20,938,000	—	1905†	} Dominion of Canada.
22,238,000	3,836,000	1,272,000	27,358,000	1,000	1906†	
16,719,000	3,897,000	987,000	21,610,000	1,000	1906†	
22,532,000	3,673,000	1,429,000	27,643,000	1,000	1907†	
22,352,000	3,670,000	1,460,000	27,492,000	—	1908†	
24,244,000	3,757,000	2,634,000	30,757,000	1,000	1909†	
104,000	283,000	11,000	399,000	—	1905	} Newfoundland.‡
83,000	249,000	10,000	342,000	—	1906	
89,000	210,000	8,000	307,000	—	1907	
81,000	164,000	4,000	249,000	—	1908	
75,000	214,000	3,000	293,000	—	1909	
53,000	14,128,000	585,000	14,813,000	26,026,000	1906§	} British South Africa.‡†
186,000	14,856,000	772,000	15,874,000	29,558,000	1907	
146,000	9,678,000	557,000	10,436,000	32,162,000	1908	
382,000	12,500,000	583,000	13,469,000	33,345,000	1909	

‡ For nine months ended 31st March 1907.

† There was a great decrease in the exports of grain and pulse from India to the United Kingdom in 1908-9.

‡ Less than £500.

‡‡ The imports into the Commonwealth of Australia are classified according to "Countries of Origin" from 1908 inclusive, and not according to "Countries of Shipment" as in previous years.

‡‡‡ The exports are exclusive of ships' stores.

§§ The exports of raw materials from British South Africa to the United Kingdom are mainly diamonds exported via the Cape of Good Hope.

C.—TOTAL VALUE of the IMPORTS into and EXPORTS from BRITISH INDIA, the SELF-
to 1909, showing separately FOOD, DRINK, and TOBACCO; RAW MATERIALS;
Trade with (i) the UNITED KINGDOM, (ii) BRITISH

—	Years.	Merchandise.				Bullion and Specie.
		Food, Drink, and Tobacco.	Raw Materials and Articles mainly Unmanu- factured.	Articles wholly or mainly Manufactured.	Total Merchandise.	
(i.) Imports from the United Kingdom—continued.						
Principal Crown Colonies:—		£	£	£	£	£
Straits Settlements	1905	325,000	125,000	2,924,000	3,375,000	26,000
	1906	401,000	175,000	3,530,000	4,108,000	†
	1907	374,000	180,000	3,602,000	4,157,000	1,610,000
	1908	307,000	126,000	3,139,000	3,574,000	812,000
	1909	408,000	129,000	3,197,000	3,736,000	156,000
Ceylon	1905	160,000	340,000	1,177,000	1,677,000	1,000
	1906	174,000	499,000	1,299,000	1,972,000	16,000
	1907	186,000	465,000	1,522,000	2,173,000	8,000
	1908	182,000	442,000	1,528,000	2,153,000	181,000
	1909	189,000	408,000	1,575,000	2,172,000	33,000
Mauritius	1905	36,000	85,000	362,000	488,000	—
	1906	45,000	145,000	401,000	597,000	1,000
	1907	28,000	132,000	362,000	529,000	2,000
	1908	26,000	104,000	306,000	441,000	2,000
	1909	26,000	160,000	310,000	496,000	3,000
Jamaica	19	158,000	47,000	723,000	930,000	20,000
	1906	158,000	35,000	842,000	1,035,000	90,000
	1907	221,000	20,000	1,095,000	1,336,000	46,000
	1908	176,000	21,000	804,000	1,002,000	1,000
	1909	180,000	59,000	593,000	1,124,000	3,000
Barbados	1905	96,000	27,000	322,000	445,000	—
	1906	90,000	29,000	363,000	482,000	—
	1907	94,000	54,000	410,000	558,000	—
	1908	119,000	42,000	336,000	497,000	—
	1909	107,000	24,000	350,000	481,000	—
Trinidad and Tobago†	1905	166,000	56,000	595,000	817,000	36,000
	1906	151,000	80,000	599,000	830,000	—
	1907	168,000	72,000	708,000	948,000	1,000
	1908	141,000	83,000	608,000	833,000	81,000
	1909	162,000	68,000	639,000	869,000	51,000

NOTE.—See General Note, pp. lxx-lxxi.

* Inclusive of Miscellaneous and Unclassified Articles and Parcel Post, excluded from the previous columns.

† Less than 5000.

‡ Exclusive of transshipments.

GOVERNING DOMINIONS, and the PRINCIPAL CROWN COLONIES, in each of the years 1905
MANUFACTURED ARTICLES; and BULLION and SPECIE; and distinguishing
POSSESSIONS, and (iii) FOREIGN COUNTRIES—continued.

Merchandise (Domestic and other Produce).				Bullion and Specie.	Years.	—
Food, Drink, and Tobacco.	Raw Materials and Articles mainly Unmanu- factured.	Articles wholly or mainly Manufactured.	Total Merchandise.			
(i.) Exports to the United Kingdom—continued.						Principal Crown Colonies :—
£	£	£	£	£		
696,000	647,000	4,339,000	5,685,000	36,000	1905	Straits Settlements.
773,000	878,000	6,101,000	7,757,000	1,370,000	1906	
864,000	995,000	6,040,000	7,902,000	921,000	1907	
744,000	951,000	5,596,000	7,297,000	288,000	1908	
698,000	1,550,000	4,696,000	6,948,000	541,000	1909	
2,935,000	585,000	79,000	3,599,000	—	1905	Ceylon.
2,913,000	573,000	78,000	3,564,000	101,000	1906	
3,609,000	709,000	78,000	4,396,000	—	1907	
3,344,000	829,000	86,000	4,259,000	—	1908	
3,759,000	980,000	82,000	4,821,000	1,000	1909	
107,000	29,000	34,000	171,000	—	1905	Mauritius.
138,000	51,000	16,000	206,000	—	1906	
358,000	60,000	27,000	445,000	—	1907	
196,000	39,000	8,000	244,000	—	1908	
249,000	32,000	5,000	287,000	—	1909**	
302,000	24,000	30,000	356,000	1,000	1905	Jamaica.
370,000	25,000	32,000	427,000	3,000	1906	
425,000	26,000	59,000	510,000	—	1907	
397,000	18,000	73,000	488,000	1,000	1908	
459,000	24,000	73,000	556,000	1,000	1909	
122,000	26,000	6,000	154,000	26,000	1905	Barbados.
138,000	45,000	4,000	187,000	32,000	1906	
73,000	86,000	5,000	164,000	18,000	1907	
31,000	59,000	7,000	97,000	10,000	1908	
35,000	40,000	4,000	79,000	13,000	1909	
409,000	87,000	4,000	500,000	32,000	1905	Trinidad and Tobago.†
371,000	78,000	4,000	453,000	77,000	1906	
582,000	51,000	6,000	639,000	6,000	1907	
354,000	33,000	6,000	394,000	4,000	1908	
457,000	27,000	5,000	489,000	2,000	1909	

* For the 12 months ended 31st March of the years following those stated.

† The value of "Oils" included by the Colonial Authorities with "Manufactured Articles" in 1909, was, in previous years included with "Raw Materials."

‡ There was a large increase in the exports of rubber to the United Kingdom in 1909.

** Inclusive of "Shipping Charges" at the port of shipment on principal local produce, excluded in previous years.

C.—TOTAL VALUE of the IMPORTS into and EXPORTS from BRITISH INDIA, the SELF-
to 1909, showing separately FOOD, DRINK, and TOBACCO; RAW MATERIALS;
Trade with (i) the UNITED KINGDOM, (ii) BRITISH

	Years.	Merchandise.				Bullion and Specie.
		Food, Drink, and Tobacco.	Raw Materials and Articles mainly Un- manufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*	
(ii) Imports from British Possessions.						
		£	£	£	£	£
British India (by Sea)†	1905	3,026,000	954,000	1,388,000	5,368,000	5,818,000
	1906	3,022,000	1,224,000	1,350,000	5,604,000	8,044,000
	1907	3,501,000	1,369,000	1,495,000	6,365,000	7,960,000
	1908	4,000,000	1,322,000	1,426,000	7,008,000	2,843,000
	1909	3,364,000	1,162,000	1,615,000	6,412,000	3,914,000
Self-Governing Dominions :						
Commonwealth of Australia (excluding Inter-State Trade) -	1905	1,474,000	1,001,000	1,388,000	3,863,000	1,491,000
	1906	1,563,000	1,225,000	1,743,000	4,531,000	2,190,000
	1907	1,824,000	1,433,000	1,973,000	5,271,000	1,430,000
	1908†	1,779,000	1,607,000	1,831,000	5,219,000	951,000
	1909	1,937,000	1,407,000	2,205,000	5,549,000	1,000,000
Dominion of New Zealand - - -	1905	1,038,000	479,000	1,017,000	2,534,000	336,000
	1906	1,144,000	621,000	1,264,000	3,029,000	820,000
	1907	1,557,000	758,000	1,540,000	3,903,000	761,000
	1908	1,497,000	997,000	1,573,000	4,117,000	221,000
	1909	1,392,000	812,000	1,263,000	3,516,000	751,000
Dominion of Canada -	1905†	2,104,000	194,000	99,000	2,397,000	—
	1906†	2,381,000	349,000	178,000	2,908,000	1,000
	1907	1,657,000	277,000	167,000	2,101,000	1,000
	1907†	2,895,000	353,000	298,000	3,546,000	—
	1908†	2,817,000	307,000	103,000	3,227,000	—
1909†	2,833,000	408,000	176,000	3,418,000	1,000	
Newfoundland† -	1905	602,000	106,000	195,000	905,000	26,000
	1906	458,000	108,000	195,000	761,000	19,000
	1907	463,000	114,000	186,000	763,000	61,000
	1908	531,000	141,000	195,000	868,000	81,000
	1909	553,000	130,000	196,000	880,000	13,000
British South Africa -	1906§	3,214,000	204,000	498,000	3,935,000	50,000
	1907	3,075,000	228,000	533,000	3,847,000	163,000
	1908	2,821,000	169,000	488,000	3,481,000	410,000
	1909	2,603,000	152,000	634,000	3,393,000	665,000

NOTE.—See General Note, pp. lxx-lxxi.

* Inclusive of Miscellaneous and Unclassified Articles and Parcel Post, excluded from the previous columns.

† For the 12 months ended 31st March of the years following those stated.

‡ The trade returns for British South Africa as a whole were compiled, for the first time, in 1906. The aggregate trade of the States included in the Union of South Africa with individual Countries, grouped as above, exclusive of duplicate entries, is not separately stated in the Returns.

GOVERNING DOMINIONS, and the PRINCIPAL CROWN COLONIES, in each of the years 1905
MANUFACTURED ARTICLES; and BULLION and SPECIE; and distinguishing
POSSESSIONS, and (iii) FOREIGN COUNTRIES—continued.

Merchandise (Domestic and other Produce).				Bullion and Specie.	Years.	
Food, Drink, and Tobacco.	Raw Materials and Articles mainly Un- manufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*			
(ii) Exports to British Possessions.						
£	£	£	£	£		
7,318,000	1,713,000	13,135,000	22,353,000	458,000	1905	British India (by Sea).†
7,752,000	1,779,000	11,969,000	21,732,000	935,000	1906	
7,617,000	1,655,000	10,738,000	20,282,000	1,112,000	1907	
6,717,000	1,397,000	11,243,000	19,597,000	1,514,000	1908	
7,435,000	1,643,000	11,741,000	21,106,000	1,653,000	1909	
Self-governing Dominions :						
2,624,000	1,160,000	1,174,000	5,279,000	7,241,000	1905	Commonwealth of Australia (excluding Inter-State Trade).
2,870,000	1,228,000	1,321,000	5,656,000	8,195,000	1906**	
3,098,000	1,284,000	1,451,000	6,111,000	7,011,000	1907**	
2,268,000	1,558,000	1,624,000	5,623,000	3,628,000	1908**	
2,170,000	1,337,000	1,284,000	4,939,000	4,285,000	1909**	
406,000	642,000	96,000	1,165,000	1,427,000	1905	Dominion of New Zealand.
292,000	718,000	121,000	1,163,000	1,978,000	1906	
255,000	816,000	208,000	1,310,000	1,250,000	1907	
327,000	819,000	136,000	1,334,000	1,080,000	1908	
308,000	850,000	201,000	1,423,000	1,027,000	1909	
1,344,000	300,000	748,000	2,445,000	5,000	1905†	Dominion of Canada.
1,210,000	305,000	778,000	2,305,000	—	1906†	
897,000	224,000	635,000	1,772,000	—	1907	
1,363,000	408,000	927,000	2,706,000	21,000	1907†	
1,283,000	490,000	1,003,000	2,784,000	2,000	1908†	
1,688,000	395,000	1,083,000	3,213,000	21,000	1909†	
384,000	109,000	6,000	500,000	—	1905	Newfoundland.‡
364,000	132,000	5,000	503,000	—	1906	
269,000	145,000	8,000	421,000	—	1907	
283,000	183,000	8,000	478,000	—	1908	
237,000	166,000	9,000	414,000	—	1909	
5,000	12,000	12,000	29,000	485,000	1906§	British South Africa.**
19,000	45,000	21,000	85,000	115,000	1907	
143,000	138,000	36,000	317,000	108,000	1908	
106,000	144,000	33,000	283,000	35,000	1909	

‡ For the 12 months ended 30th June of the years stated.

§ For the 9 months ended 31st March 1907.

** The imports into the Commonwealth of Australia are classified according to "Countries of Origin" from 1908 inclusive, and not according to "Countries of Shipment" as in previous years.

*** The exports are exclusive of ships' stores.

C.—TOTAL VALUE of the IMPORTS into and EXPORTS from BRITISH INDIA, the SELF-
to 1909, showing separately FOOD, DRINK, and TOBACCO; RAW MATERIALS;
Trade with (i) the UNITED KINGDOM, (ii) BRITISH

	Years.	Merchandise.				Bullion and Specie.
		Food, Drink, and Tobacco.	Raw Materials and Articles mainly Un-manufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*	
(ii) Imports from British Possessions—continued.						
Principal Crown Colonies :		£	£	£	£	£
Straits Settlements (excluding Inter-Settlement Trade).†	1905	4,298,000	5,586,000	6,289,000	16,202,000	1,072,000
	1906	4,709,000	5,739,000	6,890,000	18,371,000	2,278,000
	1907	4,937,000	7,339,000	6,240,000	18,553,000	1,452,000
	1908	4,050,000	7,937,000	4,480,000	16,493,000	1,038,000
	1909	4,312,000	7,155,000	4,900,000	16,388,000	1,085,000
Ceylon	1905	3,542,000	635,000	518,000	4,704,000	458,000
	1906	3,559,000	624,000	522,000	4,711,000	700,000
	1907	3,658,000	667,000	520,000	4,855,000	609,000
	1908	3,510,000	870,000	548,000	4,934,000	394,000
	1909	3,793,000	277,000	593,000	5,163,000	521,000
Mauritius	1905	543,000	208,000	130,000	884,000	48,000
	1906	636,000	182,000	152,000	977,000	35,000
	1907	671,000	171,000	127,000	972,000	166,000
	1908	592,000	183,000	128,000	906,000	257,000
	1909	610,000	197,000	134,000	944,000	118,000
Jamaica	1905	161,000	7,000	15,000	183,000	—
	1906	184,000	11,000	22,000	217,000	—
	1907	168,000	12,000	18,000	198,000	—
	1908	182,000	8,000	23,000	213,000	—
	1909	174,000	3,000	15,000	192,000	—
Barbados	1905	134,000	51,000	35,000	222,000	1,000
	1906	120,000	78,000	50,000	249,000	—
	1907	114,000	69,000	33,000	219,000	—
	1908	129,000	91,000	48,000	269,000	1,000
	1909	127,000	56,000	52,000	238,000	1,000
Trinidad and Tobago‡	1905	236,000	20,000	40,000	307,000	35,000
	1906	216,000	20,000	54,000	308,000	44,000
	1907	214,000	28,000	32,000	285,000	3,000
	1908	207,000	24,000	38,000	278,000	2,000
	1909	243,000	9,000	28,000	288,000	—

NOTE.—See General Note, pp. lxx-lxxi.

* Inclusive of Miscellaneous and Unclassified Articles and Parcel Post, excluded from the previous columns.

† The figures for the Straits Settlements represent the Imports from and Exports to British Possessions, into or from Singapore, Penang, Malacca, and also from 1908 inclusive into or from Labuan and the Christmas and Cocos Islands (exclusive of Inter-settlement Trade). In 1908 Labuan and the Christmas and Cocos Islands were treated for the first time as part of the Colony of the Straits Settlements.

GOVERNING DOMINIONS, and the PRINCIPAL CROWN COLONIES, in each of the years 1905
MANUFACTURED ARTICLES; and BULLION and SPECIE; and distinguishing
POSSESSIONS, and (iii) FOREIGN COUNTRIES—continued.

Merchandise (Domestic and other Produce).				Bullion and Specie.	Years.	
Food, Drink, and Tobacco.	Raw Materials and Articles mainly Un-manufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*			
(ii) Exports to British Possessions—continued.						Principal Crown Colonies :
£	£	£	£	£		
4,140,000	666,000	2,078,000	6,907,000	1,028,000	1905	Straits Settlements (excluding Inter-Settlement Trade).†
5,409,000	803,000	2,389,000	8,631,000	1,489,000	1906	
5,700,000	845,000	2,611,000	9,183,000	1,006,000	1907	
6,118,000	831,000	2,444,000	9,418,000	614,000	1908	
5,897,000	846,000	2,440,000	9,205,000	757,000	1909	
1,067,000	102,000	98,000	1,267,000	20,000	1905	Ceylon.
1,096,000	161,000	110,000	1,368,000	82,000	1906	
1,145,000	200,000	137,000	1,484,000	13,000	1907	
1,226,000	115,000	111,000	1,453,000	81,000	1908	
1,328,000	71,000	120,000	1,520,000	7,000	1909	
2,070,000	10,000	26,000	2,106,000	9,000	1905	Mauritius.
2,188,000	6,000	20,000	2,214,000	57,000	1906	
2,182,000	4,000	17,000	2,203,000	160,000	1907	
1,807,000	7,000	18,000	1,832,000	127,000	1908	
1,936,000	1,000	68,000	2,005,000	1,000	1909**	
131,000	5,000	6,000	143,000	5,000	1905	Jamaica.
170,000	3,000	7,000	180,000	10,000	1906	
139,000	7,000	6,000	152,000	10,000	1907	
116,000	2,000	6,000	124,000	39,000	1908	
140,000	4,000	3,000	147,000	17,000	1909	
363,000	6,000	51,000	425,000	12,000	1905	Barbados.
366,000	6,000	55,000	431,000	12,000	1906	
439,000	6,000	54,000	524,000	1,000	1907	
402,000	9,000	49,000	467,000	12,000	1908	
528,000	6,000	44,000	582,000	13,000	1909	
236,000	18,000	7,000	262,000	—	1905	Trinidad and Tobago.‡
220,000	13,000	11,000	246,000	26,000	1906	
281,000	13,000	11,000	308,000	1,000	1907	
294,000	4,000	9,000	310,000	—	1908	
334,000	3,000	4,000	346,000	—	1909	

* Exclusive of transshipments.

† For the 12 months ended 31st March of the years following those stated.

‡ The value of "Oils" included by the Colonial Authorities with "Manufactured Articles" was, in previous years, included with "Raw Materials."

** Inclusive of "Shipping Charges" at the port of shipment on principal local produce, excluded in previous years.

C.—TOTAL VALUE of the IMPORTS into and EXPORTS from BRITISH INDIA, the SELF-
to 1909, showing separately FOOD, DRINK, and TOBACCO; RAW MATERIALS;
Trade with (i) the UNITED KINGDOM, (ii) BRITISH

	Years	Merchandise.				Bullion and Specie.
		Food, Drink, and Tobacco.	Raw Materials and Articles mainly Un- manufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*	
(iii) Imports from Foreign Countries.						
		£	£	£	£	£
British India (by Sea)†	1905	4,822,000	2,853,000	10,013,000	17,827,000	1,768,000
	1906	5,651,000	2,393,000	10,095,000	18,510,000	1,760,000
	1907	6,146,000	3,259,000	12,848,000	22,505,000	4,324,000
	1908	7,218,000	3,642,000	12,408,000	23,512,000	1,000,000
	1909	7,531,000	3,301,000	11,961,000	22,999,000	6,827,000
Self-Governing Dominions :						
Commonwealth of Australia	1905	1,572,000	1,679,000	6,604,000	9,887,000	1,000
	1906	1,841,000	2,121,000	7,417,000	11,415,000	3,000
	1907	1,659,000	2,662,000	8,838,000	13,195,000	6,000
	1908‡	2,610,000	2,852,000	12,730,000	18,288,000	7,000
	1909	3,006,000	2,822,000	12,726,000	18,666,000	3,000
Dominion of New Zealand	1905	410,000	265,000	1,430,000	2,118,000	1,000
	1906	493,000	358,000	1,453,000	2,317,000	5,000
	1907	461,000	351,000	1,525,000	2,360,000	1,000
	1908	489,000	478,000	1,691,000	2,690,000	1,000
	1909	432,000	404,000	1,260,000	2,120,000	—
Dominion of Canada	1905‡	5,662,000	11,122,000	20,158,000	37,589,000	2,119,000
	1906‡	6,469,000	12,178,000	22,467,000	41,883,000	1,452,000
	1906‡	5,449,000	11,431,000	19,018,000	36,464,000	1,510,000
	1907†	8,480,000	16,108,000	26,329,000	51,733,000	1,234,000
	1908†	8,563,000	13,860,000	20,601,000	43,888,000	2,053,000
1909†	9,151,000	17,989,000	28,369,000	56,227,000	1,233,000	
Newfoundland‡	1905	316,000	64,000	256,000	637,000	—
	1906	490,000	59,000	267,000	816,000	—
	1907	416,000	65,000	289,000	770,000	—
	1908	482,000	67,000	320,000	870,000	—
	1909	456,000	52,000	430,000	938,000	—
British South Africa	1906¶	3,268,000	1,175,000	4,636,000	9,204,000	23,000
	1907	2,254,000	1,031,000	4,196,000	7,520,000	520,000
	1908	2,027,000	1,167,000	4,144,000	7,318,000	531,000
	1909	1,872,000	1,355,000	4,948,000	8,198,000	732,000

NOTE.—See General Note, pp. lxx-lxxi.

* Inclusive of Miscellaneous and Unclassified Articles and Parcel Post, excluded from the previous columns.

† For the 12 months ended 31st March of the years following those stated.

‡ For the 12 months ended 30th June of the years stated.

§ For the nine months ended 31st March 1907.

¶ The trade Returns of British South Africa as a whole were compiled for the first time in 1906. The aggregate trade of the States included in the Union of South Africa with individual Countries, grouped as above, exclusive of duplicate entries, is not separately stated in the Returns.

GOVERNING DOMINIIONS, and the PRINCIPAL CROWN COLONIES, in each of the years 1905
MANUFACTURED ARTICLES; and BULLION and SPECIE; and distinguishing
POSSESSIONS, and (iii) FOREIGN COUNTRIES—continued.

Merchandise (Domestic and other Produce).				Bullion and Specie.	Years.	—
Food, Drink, and Tobacco.	Raw Materials and Articles mainly Un- manufactured.	Articles wholly or mainly Manufactured	Total Merchandise.*			
(iii) Exports to Foreign Countries.						
£	£	£	£	£		
10,332,000	34,082,000	13,900,000	58,405,000	1,492,000	1905	} British India (by Sea).†
8,519,000	38,777,000	16,956,000	64,329,000	841,000	1906	
10,195,000	38,460,000	18,730,000	67,495,000	317,000	1907	
7,731,000	32,981,000	17,134,000	57,907,000	290,000	1908	
10,369,000	42,537,000	18,104,000	71,143,000	419,000	1909	
Self-Governing Dominions :						
1,440,000	13,656,000	2,386,000	17,545,000	74,000	1905	} Commonwealth of Australia.
1,873,000	15,205,000	2,836,000	19,939,000	3,094,000	1906††	
1,726,000	19,792,000	3,826,000	25,408,000	318,000	1907††	
1,210,000	13,933,000	3,104,000	18,310,000	7,274,000	1908††	
1,537,000	19,792,000	1,810,000	23,185,000	1,993,000	1909††	
††						
87,000	837,000	39,000	966,000	10,000	1905	} Dominion of New Zealand.
72,000	784,000	35,000	893,000	14,000	1906	
79,000	857,000	34,000	971,000	5,000	1907	
74,000	416,000	38,000	531,000	228,000	1908	
101,000	837,000	63,000	1,004,000	15,000	1909	
††						
3,301,000	9,313,000	2,011,000	14,864,000	3,521,000	1905†	} Dominion of Canada.
3,878,000	11,918,000	2,373,000	18,367,000	4,712,000	1906†	
2,680,000	9,929,000	1,790,000	14,615,000	4,198,000	1906†	
3,883,000	14,725,000	3,100,000	21,953,000	5,233,000	1907†	
4,874,000	13,508,000	2,949,000	21,633,000	1,844,000	1908†	
5,479,000	**11,890,000	**8,157,000	26,168,000	1,786,000	1909†	
††						
985,000	306,000	2,000	1,294,000	—	1905	} Newfoundland.‡
1,363,000	272,000	3,000	1,639,000	—	1906	
1,457,000	294,000	5,000	1,756,000	—	1907	
1,442,000	254,000	5,000	1,702,000	—	1908	
1,358,000	160,000	4,000	1,523,000	—	1909	
††						
266,000	1,475,000	279,000	2,108,000	5,000	1906§	} British South Africa.‡‡
225,000	1,671,000	206,000	2,129,000	19,000	1907	
263,000	1,751,000	160,000	2,188,000	22,000	1908	
523,000	2,557,000	209,000	3,308,000	24,000	1909	

§ The imports into the Commonwealth of Australia are classified, according to "Countries of Origin" from 1905 (inclusive) and not according to "Countries of Shipment" as in previous years.

†† The value of certain minerals contained in ore, &c., included by the Canadian Authorities with "Manufactured Articles" in 1906, was, in previous years, included with "Raw Materials."

‡‡ Inclusive of the value of gold-bearing quartz, dust, &c., exported from Canada to Foreign Countries in all years.

‡ The exports are exclusive of ships' stores.

C.—TOTAL VALUE of the IMPORTS into and EXPORTS from BRITISH INDIA, the SELF-
to 1909, showing separately FOOD, DRINK, and TOBACCO; RAW MATERIALS;
Trade with (i) the UNITED KINGDOM, (ii) BRITISH

—	Years.	Merchandise.				Bullion and Specie.
		Food, Drink, and Tobacco.	Raw Materials and Articles mainly Manufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*	
(iii) Imports from Foreign Countries—continued.						
Principal Crown Colonies:—		£	£	£	£	£
Straits Settlements	1905	5,741,000	3,562,000	3,076,000	12,401,000	146,000
	1906	7,017,000	4,139,000	3,439,000	14,622,000	207,000
	1907	6,751,000	4,601,000	3,608,000	14,976,000	151,000
	1908	7,784,000	4,081,000	2,679,000	14,555,000	441,000
	1909	7,758,000	4,514,000	2,754,000	15,033,000	161,000
Ceylon	1905	274,000	183,000	385,000	842,000	—
	1906	248,000	196,000	390,000	835,000	—
	1907	342,000	251,000	383,000	976,000	—
	1908	359,000	269,000	445,000	1,074,000	—
	1909	328,000	235,000	466,000	1,029,000	—
Mauritius	1905	175,000	44,000	136,000	403,000	—
	1906	196,000	38,000	134,000	387,000	2,000
	1907	210,000	46,000	138,000	427,000	8,000
	1908	246,000	64,000	98,000	424,000	9,000
	1909	276,000	118,000	193,000	487,000	7,000
Jamaica	1905†	401,000	138,000	269,000	808,000	1,000
	1906‡	426,000	172,000	319,000	918,000	1,000
	1907‡	623,000	248,000	454,000	1,326,000	8,000
	1908‡	602,000	209,000	386,000	1,199,000	5,000
	1909	615,000	144,000	384,000	1,244,000	7,000
Barbados	1905	249,000	55,000	64,000	374,000	—
	1906	253,000	133,000	60,000	462,000	—
	1907	250,000	165,000	73,000	494,000	—
	1908	261,000	124,000	65,000	457,000	1,000
	1909	238,000	62,000	93,000	399,000	—
Trinidad and Tobago†	1905‡	631,000	185,000	216,000	1,047,000	60,000
	1906‡	692,000	231,000	207,000	1,145,000	37,000
	1907‡	911,000	155,000	254,000	1,337,000	14,000
	1908‡	781,000	122,000	270,000	1,184,000	33,000
	1909	805,000	120,000	261,000	1,211,000	70,000

NOTE.—See General Note, pp. lxx-lxxi.

* Inclusive of Miscellaneous and Unclassified Articles and Parcel Post, excluded from the previous columns.

† Exclusive of transshipments.

‡ For the 12 months ended 31st March of the years following those stated.

GOVERNING DOMINIONS, and the PRINCIPAL CROWN COLONIES, in each of the Years 1905
MANUFACTURED ARTICLES; and BULLION and SPECIE; and distinguishing
POSSESSIONS, and (iii) FOREIGN COUNTRIES—continued.

Merchandise (Domestic and other Produce).				Bullion and Specie.	Years.	—
Food, Drink, and Tobacco.	Raw Materials and Articles mainly Unmanufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*			
(iii) Exports to Foreign Countries—continued.						
£	£	£	£	£		Principal Crown Colonies:—
4,328,000	2,485,000	7,103,000	13,933,000	707,000	1905	Straits Settlements.
5,268,000	2,816,000	8,331,000	16,436,000	601,000	1906	
5,174,000	3,349,000	7,305,000	15,848,000	759,000	1907	
4,875,000	2,900,000	6,129,000	13,922,000	406,000	1908	
4,903,000	3,360,000	6,778,000	15,058,000	296,000	1909	
823,000	1,032,000	92,000	1,947,000	—	1905	Ceylon.
967,000	1,314,000	101,000	2,382,000	4,000	1906	
1,363,000	1,291,000	92,000	2,746,000	—	1907	
1,339,000	1,429,000	116,000	2,885,000	—	1908	
1,884,000	1,961,000	107,000	3,452,000	—	1909	
39,000	12,000	2,000	55,000	5,000	1905	Mauritius.
§114,000	9,000	3,000	§127,000	6,000	1906	
§98,000	14,000	5,000	§118,000	11,000	1907	
21,000	11,000	6,000	39,000	12,000	1908	
18,000	6,000	3,000	28,000	13,000	1909†	
1,130,000	29,000	133,000	1,295,000	43,000	1905‡	Jamaica.
1,111,000	32,000	157,000	1,304,000	68,000	1906‡	
1,405,000	31,000	148,000	1,586,000	118,000	1907‡	
1,365,000	27,000	115,000	1,508,000	108,000	1908‡	
1,692,000	**89,000	**66,000	1,847,000	61,000	1909	
286,000	21,000	3,000	310,000	8,000	1905	Barbados.
181,000	11,000	8,000	200,000	13,000	1906	
92,000	24,000	11,000	128,000	12,000	1907	
237,000	16,000	7,000	261,000	33,000	1908	
111,000	8,000	4,000	124,000	11,000	1909	
1,130,000	180,000	45,000	1,356,000	17,000	1905‡	Trinidad and Tobago.†
953,000	277,000	49,000	1,279,000	26,000	1906‡	
1,930,000	166,000	41,000	2,138,000	7,000	1907‡	
1,297,000	156,000	44,000	1,497,000	5,000	1908‡	
1,290,000	187,000	61,000	1,538,000	2,000	1909	

§ There were large quantities of raw sugar exported from Mauritius to Foreign Countries in 1906 and 1907.

‡ The value of "Oils" included by the Colonial Authorities with "Manufactured Articles" in 1909, was, in previous years included with "Raw Materials."

* Inclusive of "shipping charges" at the port of shipment on principal local produce, excluded in previous years.

** The value of "Logwood" included by the Colonial Authorities with "Raw Materials" in 1909, was, in previous years included with "Manufactured Articles."

C.—TOTAL VALUE of the IMPORTS into and EXPORTS from BRITISH INDIA, the SELF-
to 1909, showing separately FOOD, DRINK, and TOBACCO; RAW MATERIALS;
Trade with (i) the UNITED KINGDOM, (ii) BRITISH

	Years.	Merchandise.				Bullion and Specie.
		Food, Drink, and Tobacco.	Raw Materials, and Articles, mainly Manufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*	
Total Imports.						
		£	£	£	£	£
British India (by Sea)†	1905	10,002,000	4,991,000	58,898,000	74,742,000	21,101,000
	1906	10,775,000	4,821,000	61,425,000	78,161,000	29,720,000
	1907	11,794,000	5,818,000	72,373,000	91,026,000	28,190,000
	1908	13,369,000	6,017,000	65,454,000	85,852,000	15,163,000
	1909	13,081,000	5,196,000	62,204,000	81,765,000	25,916,000
Self-Governing Dominions :						
Commonwealth of Australia	1905	5,093,000	3,240,000	28,313,000	36,802,000	1,545,000
	1906	5,382,000	4,021,000	32,629,000	42,122,000	2,323,000
	1907	5,989,000	4,753,000	39,030,000	49,996,000	1,813,000
	1908	6,364,000	4,835,000	37,178,000	48,624,000	1,175,000
	1909	6,888,000	4,620,000	38,299,000	50,126,000	1,046,000
Dominion of New Zealand	1905	2,047,000	970,000	9,258,000	12,480,000	348,000
	1906	2,301,000	1,150,000	10,582,000	14,306,000	905,000
	1907	2,793,000	1,445,000	11,978,000	16,541,000	762,000
	1908	2,798,000	1,718,000	12,369,000	17,249,000	222,000
	1909	2,578,000	1,432,000	10,509,000	14,817,000	857,000
Dominion of Canada	1905‡	9,010,000	12,547,000	30,387,000	52,730,000	2,119,000
	1906‡	10,016,000	13,855,000	34,282,000	59,037,000	1,155,000
	1906§	8,106,000	12,769,000	30,224,000	51,855,000	1,545,000
	1907‡	13,015,000	17,639,000	43,243,000	74,871,000	1,346,000
	1908‡	13,013,000	15,127,000	32,485,000	61,618,000	2,053,000
	1909‡	13,786,000	20,099,000	44,517,000	79,310,000	1,237,000
Newfoundland‡	1905	988,000	192,000	877,000	2,061,000	53,000
	1906	1,012,000	185,000	924,000	2,122,000	19,000
	1907	944,000	196,000	941,000	2,081,000	62,000
	1908	1,088,000	221,000	965,000	2,277,000	91,000
	1909	1,082,000	199,000	1,028,000	2,310,000	34,000
British South Africa	1906	8,435,000	1,735,000	20,593,000	31,627,000	723,000
	1907	6,991,000	1,600,000	18,463,000	27,461,000	829,000
	1908	6,281,000	1,635,000	17,272,000	25,240,000	963,000
	1909	5,971,000	1,877,000	20,385,000	28,297,000	1,546,000

NOTE.—See General Note, pp. lxx-lxxl.

* Inclusive of Miscellaneous and Unclassified Articles and Parcel Post, excluded from the previous columns.

† For the 12 months ended 31st March of the years following those stated.

‡ For the 12 months ended 30th June of the years stated.

§ For nine months ended 31st March 1907.

¶ The Trade Returns for British South Africa as a whole were compiled for the first time in 1906. The aggregate trade of the States included in the Union of South Africa with individual Countries, grouped as above, exclusive of duplicate entries, is not separately stated in the Returns.

GOVERNING DOMINIONS, and the PRINCIPAL CROWN COLONIES, in each of the Years 1905
MANUFACTURED ARTICLES; and BULLION and SPECIE; and distinguishing
POSSESSIONS, and (iii) FOREIGN COUNTRIES—continued.

Merchandise (Domestic and other Produce).				Bullion and Specie.	Years.	—
Food, Drink, and Tobacco.	Raw Materials and Articles mainly Unmanufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*			
Total Exports.						
£	£	£	£	£		
28,692,000	47,650,000	31,068,000	107,890,000	10,313,000	1905	} British India (by Sea).†
27,312,000	55,648,000	34,569,000	118,020,000	3,812,000	1906	
30,303,000	52,342,000	34,948,000	118,323,000	3,633,000	1907	
**22,129,000	45,778,000	33,427,000	102,095,000	4,214,000	1908	
32,828,000	57,073,000	34,649,000	125,206,000	4,266,000	1909	
						Self-Governing Dominions :
11,160,000	26,283,000	7,212,000	45,052,000	11,789,000	1905	} Commonwealth of Australia.
12,779,000	30,211,000	8,763,000	52,028,000	17,710,000	1906††	
13,139,000	37,377,000	9,816,000	60,711,000	12,113,000	1907††	
10,112,000	30,275,000	8,210,000	48,872,000	15,439,000	1908††	
14,405,000	35,199,000	6,859,000	56,638,000	8,681,000	1909††	
4,870,000	8,285,000	232,000	13,427,000	2,229,000	1905	} Dominion of New Zealand.
5,191,000	10,098,000	241,000	15,578,000	2,517,000	1906	
6,030,000	11,432,000	353,000	17,865,000	2,204,000	1907	
5,500,000	8,066,000	252,000	13,894,000	2,423,000	1908	
7,451,000	9,505,000	403,000	17,448,000	2,214,000	1909	
20,772,000	13,094,000	3,930,000	38,267,000	3,526,000	1905‡	} Dominion of Canada.
27,326,000	16,059,000	4,423,000	48,030,000	4,713,000	1906‡	
20,296,000	14,060,000	3,412,000	37,997,000	4,199,000	1906§	
27,778,000	18,806,000	5,456,000	52,302,000	5,255,000	1907†	
28,509,000	17,068,000	5,412,000	51,909,000	1,846,000	1908†	
31,411,000	116,012,000	11,871,000	60,138,000	1,808,000	1909†	
1,473,000	698,000	19,000	2,193,000	—	1905	} Newfoundland.‡
1,810,000	653,000	18,000	2,484,000	—	1906	
1,815,000	649,000	21,000	2,487,000	—	1907	
1,806,000	601,000	17,000	2,429,000	—	1908	
1,670,000	540,000	16,000	2,230,000	—	1909	
324,000	15,615,000	876,000	16,950,000	26,516,000	1906||	} British South Africa.††
430,000	16,572,000	999,000	18,088,000	29,692,000	1907	
552,000	11,567,000	753,000	12,941,000	32,292,000	1908	
1,011,000	15,201,000	825,000	17,060,000	33,404,000	1909	

* The value of certain metals contained in ore, &c., included by the Canadian Authorities with "Manufactured Articles" in 1909, was in previous years included with "Raw Materials."

†† There was a great decrease in the exports of grain and pulses from India to the United Kingdom in 1908-9.

‡‡ The exports are exclusive of ships' stores.

C.—TOTAL VALUE of the IMPORTS into and EXPORTS from BRITISH INDIA, the SELF-
to 1909, showing separately FOOD, DRINK, and TOBACCO; RAW MATERIALS;
Trade with (i) the UNITED KINGDOM, (ii) BRITISH

	Years.	Merchandise.				Bullion and Specie.
		Food, Drink, and Tobacco.	Raw Materials and Articles mainly Unmanufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*	
Total Imports—continued.						
Principal Crown Colonies :		£	£	£	£	£
Straits Settlements	1905	10,364,000	9,273,000	12,289,000	31,978,000	1,244,000
	1906	12,127,000	11,053,000	13,859,000	37,101,000	2,485,000
	1907	12,062,000	12,120,000	13,450,000	37,686,000	3,213,000
	1908	12,141,000	12,144,000	10,298,000	34,622,000	2,291,000
	1909	12,478,000	11,798,000	10,851,000	35,137,000	1,402,000
Ceylon	1905	3,976,000	1,158,000	2,080,000	7,223,000	459,000
	1906	3,981,000	1,319,000	2,211,000	7,511,000	716,000
	1907	4,186,000	1,383,000	2,425,000	8,004,000	617,000
	1908	4,051,000	1,581,000	2,521,000	8,161,000	525,000
	1909	4,310,000	920,000	2,634,000	8,364,000	554,000
Mauritius	1905	754,000	337,000	628,000	1,775,000	48,000
	1906	877,000	365,000	687,000	1,961,000	38,000
	1907	909,000	349,000	627,000	1,928,000	176,000
	1908	864,000	351,000	532,000	1,771,000	268,000
	1909	912,000	527,000	567,000	1,927,000	128,000
Jamaica	1905†	720,000	192,000	1,007,000	1,921,000	21,000
	1906†	768,000	218,000	1,183,000	2,170,000	91,000
	1907†	1,012,000	280,000	1,567,000	2,860,000	54,000
	1908†	960,000	238,000	1,213,000	2,414,000	6,000
	1909	969,000	556,000	1,534,000	2,560,000	10,000
Barbados	1905	479,000	133,000	421,000	1,041,000	1,000
	1906	463,000	240,000	482,000	1,193,000	—
	1907	458,000	288,000	516,000	1,271,000	—
	1908	509,000	257,000	449,000	1,223,000	2,000
	1909	472,000	142,000	495,000	1,118,000	1,000
Trinidad and Tobago†	1905‡	1,033,000	261,000	851,000	2,171,000	131,000
	1906‡	1,059,000	340,000	860,000	2,283,000	81,000
	1907‡	1,293,000	255,000	991,000	2,570,000	18,000
	1908‡	1,129,000	229,000	916,000	2,295,000	116,000
	1909	1,210,000	197,000	928,000	2,368,000	121,000

NOTE.—The imports and exports shown above and in the foregoing pages have been grouped under "Food, &c.," "Raw Materials," and "Manufactured Articles," on the general lines of the classification adopted in the Trade Returns of the United Kingdom. The figures for 1909 have, for the most part, been specially returned by the various Colonial Governments, and in some cases the classification differs, in a few details, from that employed in earlier years.
* Inclusive of Miscellaneous and Unclassified Articles and Parcel Post, excluded from the previous columns.
† Exclusive of transshipments, and also, in the case of Exports, of ships' stores.
‡ For the 12 months ended 31st March of the years following those stated.

GOVERNING DOMINIONS, and the PRINCIPAL CROWN COLONIES, in each of the Years 1905
MANUFACTURED ARTICLES; and BULLION and SPECIE; and distinguishing
POSSESSIONS, and (iii) FOREIGN COUNTRIES—continued.

Merchandise (Domestic and other Produce).				Bullion and Specie.	Years.	—
Food, Drink, and Tobacco.	Raw Materials and Articles mainly Unmanufactured.	Articles wholly or mainly Manufactured.	Total Merchandise.*			
Total Exports—continued.						Principal Crown Colonies :
£	£	£	£	£		
9,164,000	3,798,000	13,520,000	26,525,000	1,771,000	1905	} Straits Settlements.
11,450,000	4,497,000	16,821,000	32,824,000	3,460,000	1906	
11,738,000	5,189,000	15,956,000	32,933,000	2,686,000	1907	
11,737,000	4,682,000	14,169,000	30,637,000	1,308,000	1908	
11,498,000	5,756,000	13,914,000	31,211,000	1,594,000	1909	
4,825,000	1,719,000	269,000	6,813,000	20,000	1905	} Ceylon.
4,976,000	2,048,000	289,000	7,314,000	187,000	1906	
6,117,000	2,200,000	307,000	8,626,000	13,000	1907	
5,909,000	2,373,000	313,000	8,597,000	81,000	1908	
6,471,000	3,012,000	309,000	9,793,000	8,000	1909	
2,216,000	51,000	62,000	2,332,000	14,000	1905	} Mauritius.
2,440,000	66,000	39,000	2,547,000	63,000	1906	
2,638,000	78,000	49,000	2,766,000	171,000	1907	
2,024,000	57,000	32,000	2,115,000	139,000	1908	
2,203,000	59,000	57,000	2,320,000	14,000	1909	
1,563,000	58,000	169,000	1,791,000	49,000	1905†	} Jamaica.
1,651,000	60,000	196,000	1,911,000	81,000	1906†	
1,969,000	64,000	213,000	2,248,000	128,000	1907†	
1,878,000	47,000	194,000	2,120,000	148,000	1908†	
2,291,000	**117,000	**142,000	2,550,000	79,000	1909	
771,000	53,000	60,000	889,000	46,000	1905	} Barbados.
685,000	62,000	67,000	818,000	57,000	1906	
624,000	116,000	70,000	816,000	31,000	1907	
670,000	84,000	63,000	825,000	53,000	1908	
674,000	54,000	52,000	785,000	37,000	1909	
1,775,000	285,000	56,000	2,118,000	49,000	1905†	} Trinidad and Tobago.†
1,544,000	368,000	64,000	1,978,000	129,000	1906†	
2,793,000	230,000	58,000	3,085,000	14,000	1907†	
1,945,000	193,000	59,000	2,201,000	9,000	1908†	
2,081,000	217,000	70,000	2,373,000	4,000	1909	

Materials," and "Manufactured Articles," on the general lines of the classification adopted in the Trade Returns of the United Kingdom. The figures for 1909 have, for the most part, been specially returned by the various Colonial Governments, and in some cases the classification differs, in a few details, from that employed in earlier years.

* The value of "Oils" included by the Colonial Authorities with "Manufactured Articles" in 1909, was, in previous years, included with "Raw Materials."

† Inclusive of "Shipping Charges" (amounting to 149,000), at the port of shipment on principal local produce, excluded in previous years.

** The value of "Logwood" included by the Colonial Authorities with "Raw Materials" in 1909, was, in previous years, included with "Manufactured Articles."

APPENDIX IV.

IMPERIAL CONFERENCE, 1911.

MOVEMENT OF SHIPPING BETWEEN THE DIFFERENT
PARTS OF THE BRITISH EMPIRE.

STATEMENTS SHOWING:

I.—The Net Tonnage of British and Foreign Vessels entered at and cleared from the Ports of the United Kingdom in the Trade with other parts of the British Empire during the years 1900 and 1910.

II.—The Net Tonnage and Nationality of British and Foreign Vessels that entered at and cleared from the Ports of the United Kingdom from and to each Principal Division of the British Empire Overseas during the year 1910.

III.—The Net Tonnage of British and Foreign Vessels entered at Ports in the various British Self-Governing Dominions, Crown Colonies, and Possessions, from Ports in other of such Dominions, Colonies, and Possessions, in the latest year for which the particulars are available.

PREPARED BY THE BOARD OF TRADE.

MOVEMENT OF SHIPPING BETWEEN THE

I.—STATEMENT showing the NET TONNAGE of BRITISH and FOREIGN VESSELS entered Parts of the BRITISH EMPIRE

	ENTERED.					
	1900.			1910.		
	British Vessels.	Foreign Vessels.	Total.	British Vessels.	Foreign Vessels.	Total.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
With Cargoes :						
Sailing Vessels -	384,383	401,690	786,073	97,833	190,663	288,496
Steam Vessels -	4,174,858	147,177	4,322,035	7,740,181	303,204	8,043,485
Total -	4,559,241	548,867	5,108,108	7,838,014	493,967	8,331,981
In Ballast :						
Sailing Vessels -	6,455	6,934	13,389	1,904	3,257	5,161
Steam Vessels -	107,376	8,228	115,604	137,452	205,425	342,877
Total -	113,831	15,162	128,993	139,356	208,682	348,038
Total with Cargoes and in Ballast :						
Sailing Vessels -	390,838	408,624	799,462	99,737	193,920	293,657
Steam Vessels -	4,282,234	155,405	4,437,639	7,877,633	508,729	8,386,362
Total -	4,673,072	564,029	5,237,101	7,977,370	702,649	8,680,019

NOTE.—Vessels calling at ports in the British Empire Overseas in the course of voyages between Foreign Countries and the cleared with cargo at ports of the United Kingdom are recorded as entered from the country in which cargo Kingdom.

DIFFERENT PARTS OF THE BRITISH EMPIRE.

at, and cleared from, the PORTS of the UNITED KINGDOM in the Trade with other during the Years 1900 and 1910.

	CLEARED.					
	1900.			1910.		
	British Vessels.	Foreign Vessels.	Total.	British Vessels.	Foreign Vessels.	Total.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
With Cargoes :						
Sailing Vessels -	561,291	218,903	780,194	122,577	76,718	199,295
Steam Vessels -	4,440,575	206,488	4,647,063	7,432,670	246,148	7,678,818
Total -	5,001,866	425,391	5,427,257	7,555,247	322,866	7,878,113
In Ballast :						
Sailing Vessels -	58,857	178,735	237,592	6,224	41,409	47,633
Steam Vessels -	502,780	74,304	577,084	363,550	183,869	547,419
Total -	561,637	253,039	814,676	369,774	225,278	595,052
Total with Cargoes and in Ballast :						
Sailing Vessels -	620,148	397,638	1,017,786	128,801	118,127	246,928
Steam Vessels -	4,943,355	280,792	5,224,147	7,796,220	430,017	8,226,237
Total -	5,563,503	678,430	6,241,933	7,915,021	548,144	8,463,165

United Kingdom are not included in the above Statement or in that which follows (pp. lxxvi-lxxxiii), as Vessels entered or for the United Kingdom was first loaded or cleared to the last country from or to which cargo is carried from the United Kingdom.

MOVEMENT OF SHIPPING BETWEEN THE

II.—STATEMENT showing the NET TONNAGE and NATIONALITY of BRITISH and PORTS of the UNITED KINGDOM from and to each PRINCIPAL

(a) *Sailing Vessels*

Entered from	British.	Russian.	Swedish.	Norwegian.	Danish.
	Tons.	Tons.	Tons.	Tons.	Tons.
Channel Islands	41,407	—	—	—	—
Gibraltar	129	—	—	—	—
Union of South Africa: Natal	—	—	—	743	—
British India: Burmah	—	—	—	1,152	—
Australia:—					
Western Australia	3,274	2,862	—	9,794	—
South Australia	17,920	1,268	1,885	39,567	—
Victoria	14,204	3,106	—	10,833	—
New South Wales	16,494	—	—	1,643	—
Total Australia	51,892	7,236	1,885	61,837	—
New Zealand	—	—	—	4,354	—
Canada	1,521	3,854	1,186	26,950	1,041
Newfoundland and Coast of Labrador	2,371	—	—	370	870
British West India Islands	—	—	220	543	—
British Guiana	—	2,762	—	—	—
Deep Sea Fisheries	—	—	—	108	2,827
Other British Possessions	513	—	359	2,007	—
Total	97,833	13,852	3,650	98,064	4,738

(b) *Steam Vessels*

Channel Islands	409,640	—	2,888	4,754	—
Gibraltar	65,635	—	—	—	—
The Colony and Protectorate of Southern Nigeria	245,493	—	—	—	—
Union of South Africa:—					
Cape of Good Hope	163,709	—	—	—	—
Natal	331,119	—	—	—	—
Mauritius and Dependencies	46,691	—	—	—	—
British India:—					
Bombay (including Karachi)	943,965	—	4,361	2,297	—
Madras	92,499	—	—	—	—
Bengal	722,270	—	—	—	—
Eastern Bengal and Assam	46,907	—	—	—	—
Burmah	245,903	—	—	—	—
Total British India	2,051,544	—	4,361	2,297	—
Australia:—					
Western Australia	12,058	—	4,183	2,417	—
South Australia	58,123	—	—	—	—
Victoria	65,403	—	—	1,296	—
New South Wales	486,171	—	5,180	—	—
Queensland	423,443	—	—	—	—
Tasmania	13,818	—	—	—	—
Total Australia	1,059,016	—	9,363	3,713	—
New Zealand	407,290	—	—	—	—
Canada	2,566,579	—	2,846	41,999	31,612
Newfoundland and Coast of Labrador	38,137	—	—	37,171	455
British West India Islands	220,778	—	—	1,865	—
British Guiana	41,498	—	—	13,739	19,109
Deep Sea Fisheries	—	—	45	4,224	16,708
Other British Possessions	93,052	—	3,095	4,719	4,919
Total	7,740,181	—	22,598	114,481	72,803
Total Sailing and Steam:—					
Tonnage	7,838,014	13,852	26,248	212,545	77,541
Percentage of each Nationality	94.1	0.2	0.3	2.5	0.9

* See footnote to Statement I.

DIFFERENT PARTS OF THE BRITISH EMPIRE.

FOREIGN SAILING and STEAM VESSELS that entered at, and cleared from, the DIVISION of the BRITISH EMPIRE OVERSEAS* during the year 1910.

entered with Cargoes.

German.	Dutch.	Belgian.	French.	Spanish.	Italian.	Austro-Hungarian.	Greek.	Total Foreign.	Total British and Foreign.
Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
—	213	—	102	—	—	—	—	315	41,722
—	—	—	—	—	—	—	—	—	129
—	—	—	—	—	—	—	—	743	743
—	—	—	—	—	—	—	—	1,152	1,152
—	—	—	—	—	—	—	—	12,656	15,930
3,576	—	—	13,830	—	4,799	—	—	64,925	82,845
1,068	1,955	—	3,895	—	—	—	—	20,857	35,061
8,101	—	—	7,659	—	3,002	—	—	20,405	36,899
12,745	1,955	—	25,384	—	7,591	—	—	118,843	170,735
—	—	—	1,633	—	1,172	—	—	7,159	7,159
—	—	—	—	—	1,151	—	—	34,182	35,703
—	—	—	—	—	—	—	—	1,240	3,611
—	—	—	—	—	—	—	—	763	763
—	—	—	—	—	—	—	—	2,762	2,762
4,260	12,306	443	1,194	—	—	—	—	21,138	21,138
—	—	—	—	—	—	—	—	2,366	2,879
17,005	14,174	443	28,313	—	10,124	—	—	190,663	288,496

entered with Cargoes.

—	572	—	—	—	—	—	—	8,214	417,854
—	—	—	—	—	—	—	—	—	65,635
748	—	—	—	—	—	—	—	748	246,241
—	—	—	—	—	—	—	—	—	163,709
—	—	—	—	—	—	—	—	—	331,119
—	—	—	—	—	—	—	—	—	46,691
9,068	2,546	—	2,605	—	2,453	7,930	4,846	36,106	980,071
—	3,856	—	—	—	—	—	—	3,856	96,355
3,105	—	—	—	—	—	—	—	3,105	725,375
—	—	—	—	—	—	—	—	—	46,907
—	—	—	—	—	—	—	—	—	245,903
12,173	6,402	—	2,605	—	2,453	7,930	4,846	43,067	2,094,611
—	—	—	—	—	—	—	—	6,600	18,658
2,703	—	—	—	—	2,328	—	—	5,031	63,154
—	—	—	—	—	—	—	—	1,296	66,099
—	—	—	—	—	—	—	—	5,180	491,351
—	—	—	—	—	—	—	—	—	423,443
—	—	—	—	—	—	—	—	—	13,818
2,703	—	—	—	—	2,328	—	—	18,107	1,077,123
—	—	—	—	—	—	—	—	—	407,290
—	1,872	—	—	14,060	—	—	—	92,389	2,658,968
—	—	—	—	—	—	—	—	37,626	75,763
—	—	—	—	—	—	—	—	2,834	223,612
969	—	—	—	—	—	—	—	32,848	74,346
23,156	5,938	235	313	—	—	—	—	50,619	50,619
4,119	—	—	—	—	—	—	—	16,852	109,904
43,868	14,784	235	2,918	14,060	4,781	7,930	4,846	303,304	8,043,485
60,873	29,258	678	31,231	14,060	14,905	7,930	4,846	493,967	8,331,981
0.7	0.3	0.0	0.4	0.2	0.2	0.1	0.1	5.9	100.0

MOVEMENT OF SHIPPING BETWEEN THE

II.—STATEMENT showing the NET TONNAGE and NATIONALITY of BRITISH and of the UNITED KINGDOM from and to each PRINCIPAL

(c) *Sailing Vessels entered*

Entered from	British.	Russian.	Swedish.	Norwegian.	Danish.
	Tons.	Tons.	Tons.	Tons.	Tons.
Channel Islands	43,182	196	—	—	1,970
Gibraltar	129	—	—	—	—
Union of South Africa : Natal	—	—	—	743	—
British India : Burmah	—	—	—	1,152	—
Commonwealth of Australia :—					
Western Australia	3,274	2,862	—	9,794	—
South Australia	17,920	1,268	1,685	39,567	—
Victoria	14,204	3,106	—	10,833	—
New South Wales	16,494	—	—	1,643	—
Total Australia	51,892	7,236	1,885	61,837	—
Dominion of New Zealand	—	—	—	4,354	—
Dominion of Canada	1,521	3,854	1,186	26,950	1,041
Newfoundland and Coast of Labrador	2,500	—	—	455	870
British West India Islands	—	—	220	543	—
British Guiana	—	2,762	—	—	—
Deep Sea Fisheries	—	—	39	108	2,827
Other British Possessions	513	—	359	2,007	—
Total	99,737	14,048	3,689	98,149	6,708

(d) *Steam Vessels entered*

Channel Islands	449,343	—	2,888	4,754	1,010
Gibraltar	72,998	—	—	—	—
The Colony and Protectorate of Southern Nigeria	252,267	—	—	—	—
Union of South Africa :—					
Cape of Good Hope	163,709	—	—	—	—
Natal	343,508	—	—	—	—
Mauritius and Dependencies	46,691	—	—	—	—
British India :—					
Bombay (including Karachi)	988,248	—	4,361	2,297	—
Madras	92,499	—	—	—	—
Bengal	722,270	—	—	—	—
Eastern Bengal and Assam	46,907	—	—	—	—
Burmah	245,903	—	—	—	—
Total British India	2,095,827	—	4,361	2,297	—
Commonwealth of Australia :—					
Western Australia	14,901	—	4,183	2,417	—
South Australia	58,123	—	—	—	—
Victoria	65,403	—	—	1,296	—
New South Wales	486,171	—	5,180	—	—
Queensland	423,443	—	—	—	—
Tasmania	13,818	—	—	—	—
Total Australia	1,061,859	—	9,363	3,713	—
Dominion of New Zealand	407,290	—	—	—	—
Dominion of Canada	2,566,579	—	2,846	41,999	31,612
Newfoundland and Coast of Labrador	38,137	—	—	37,171	455
British West India Islands	220,778	—	—	1,865	—
British Guiana	41,498	—	—	13,739	19,109
Deep Sea Fisheries	12,642	—	45	4,290	16,708
Other British Possessions	104,507	—	3,095	4,719	4,919
Total	7,877,633	—	22,598	114,547	73,813
Total Sailing and Steam :—					
Tonnage	7,977,370	14,048	26,287	212,696	80,521
Percentage of each Nationality	91.9	0.2	0.3	2.4	0.9

* See footnote to Statement I.

DIFFERENT PARTS OF THE BRITISH EMPIRE.

FOREIGN SAILING AND STEAM VESSELS that entered at, and cleared from, the PORTS DIVISION of the BRITISH EMPIRE OVERSEAS* during the year 1910—(continued).

with Cargoes and in Ballast.

German.	Dutch.	Belgian.	French.	Spanish.	Italian.	Austro-Hungarian.	Greek.	Total Foreign.	Total British and Foreign.
Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
279	213	—	749	—	—	—	—	3,407	46,589
—	—	—	—	—	—	—	—	—	129
—	—	—	—	—	—	—	—	743	743
—	—	—	—	—	—	—	—	1,152	1,152
—	—	—	—	—	—	—	—	12,656	15,930
3,576	—	—	13,830	—	4,799	—	—	64,925	82,815
1,068	1,955	—	3,895	—	—	—	—	20,857	35,061
8,101	—	—	7,659	—	3,002	—	—	20,405	36,899
12,745	1,955	—	25,384	—	7,801	—	—	118,843	170,735
—	—	—	1,633	—	1,172	—	—	7,159	7,159
—	—	—	—	—	1,151	—	—	34,182	35,703
—	—	—	—	—	—	—	—	1,325	3,825
—	—	—	—	—	—	—	—	763	763
—	—	—	—	—	—	—	—	2,762	2,762
4,260	12,306	484	1,191	—	—	—	—	21,218	21,218
—	—	—	—	—	—	—	—	2,366	2,879
17,284	14,474	484	28,960	—	10,124	—	—	193,920	293,657

with Cargoes and in Ballast.

—	572	—	—	—	—	—	—	9,224	458,567
—	—	—	2,065	—	—	—	—	2,065	75,063
3,129	—	—	—	—	—	—	—	3,129	255,396
—	—	—	—	—	—	—	—	—	163,709
128,660	—	—	—	—	—	—	—	128,660	472,168
—	—	—	—	—	—	—	—	—	46,691
9,068	2,546	—	2,605	—	2,453	7,930	4,846	36,106	1,024,354
—	3,856	—	—	—	—	—	—	3,856	96,355
3,105	—	—	—	—	—	—	—	3,105	725,375
—	—	—	—	—	—	—	—	—	46,907
—	—	—	—	—	—	—	—	—	245,903
12,173	6,402	—	2,605	—	2,453	7,930	4,846	43,067	2,138,894
—	—	—	—	—	—	—	—	6,600	21,501
2,703	—	—	—	—	2,328	—	—	5,031	63,154
—	—	—	—	—	—	—	—	1,296	66,699
71,243	—	—	—	—	—	—	—	76,423	562,594
—	—	—	—	—	—	—	—	—	423,443
—	—	—	—	—	—	—	—	—	13,818
73,946	—	—	—	—	2,328	—	—	89,350	1,151,209
—	—	—	—	—	—	—	—	—	407,290
—	1,872	—	—	14,060	—	—	—	92,389	2,658,968
—	—	—	—	—	—	—	—	37,026	75,763
969	—	—	—	—	—	—	—	2,834	223,612
—	—	—	—	—	—	—	—	32,848	74,346
23,156	5,938	235	313	—	—	—	—	50,685	63,327
4,119	—	—	—	—	—	—	—	16,852	121,359
246,152	14,784	235	4,983	14,060	4,781	7,930	4,846	508,729	8,386,362
263,436	29,258	719	33,943	14,060	14,905	7,930	4,846	702,649	8,690,019
3.0	0.3	0.0	0.4	0.2	0.2	0.1	0.1	8.1	100.0

MOVEMENT OF SHIPPING BETWEEN THE

II.—STATEMENT showing the NET TONNAGE and NATIONALITY of BRITISH and of the UNITED KINGDOM from and to each PRINCIPAL

(e) *Sailing Vessels*

Cleared to	British.	Russian.	Swedish.	Norwegian.	Danish.
	Tons.	Tons.	Tons.	Tons.	Tons.
Channel Islands	42,280	—	—	—	250
Gibraltar	1,649	—	—	246	753
West Africa: The Colony and Protectorate of Southern Nigeria.	1,808	—	—	—	—
Union of South Africa:—					
Cape of Good Hope	3,164	653	—	12,397	—
Natal	—	628	—	—	—
Commonwealth of Australia:—					
Western Australia	2,571	—	—	5,006	—
South Australia (including Northern Territory)	8,642	1,995	—	2,440	—
Victoria	26,088	1,436	1,885	11,276	—
New South Wales	28,090	—	—	1,496	—
Queensland	—	—	—	—	—
Total Australia	65,391	3,431	1,885	20,218	—
Dominion of New Zealand	1,612	—	—	1,627	—
Dominion of Canada	3,192	294	366	2,476	381
Newfoundland and Coast of Labrador	1,730	—	—	677	1,356
British West India Islands	1,088	1,564	—	1,496	—
British Guiana	—	2,611	—	—	—
Other British Possessions	673	—	751	3,467	—
Total	122,577	9,181	3,002	42,604	2,740

(f) *Steam Vessels*

Channel Islands	294,843	—	—	635	325
Gibraltar	88,036	664	1,427	26,991	5,119
Malta and Gozo	199,752	1,272	6,376	1,970	—
West Africa: The Colony and Protectorate of Southern Nigeria.	307,447	—	—	—	—
Union of South Africa:—					
Cape of Good Hope	323,652	—	—	—	—
Natal	344,447	—	—	—	—
Mauritius and Dependencies	129,938	—	—	—	—
Aden and Dependencies	74,966	—	—	—	—
British India:—					
Bombay (including Karachi)	577,148	—	—	—	—
Madras	27,376	—	—	—	—
Bengal	679,623	—	—	—	—
Eastern Bengal and Assam	34,133	—	—	—	—
Burmah	206,042	—	—	—	—
Total British India	1,524,322	—	—	—	—
Ceylon and Dependencies	140,576	—	—	2,276	—
Commonwealth of Australia:—					
Western Australia	45,054	—	—	—	—
South Australia (including Northern Territory)	15,871	—	—	—	—
Victoria	18,422	—	—	—	—
New South Wales	351,852	—	—	—	—
Queensland	442,729	—	—	—	—
Tasmania	4,025	—	—	—	—
Total Australia	877,953	—	—	—	—
Dominion of New Zealand	444,203	—	—	—	—
Dominion of Canada	2,162,013	—	—	11,796	1,556
Newfoundland and Coast of Labrador	31,277	—	—	12,876	—
British West India Islands	281,730	—	—	734	—
British Guiana	46,343	—	—	16,472	—
Other British Possessions	161,172	1,270	—	9,138	1,100
Total	7,432,670	3,206	7,803	82,888	8,100
Total Sailing and Steam:—					
Tonnage	7,555,247	12,387	10,805	125,492	10,940
Percentage of each Nationality	95.9	0.2	0.1	1.6	0.1

* See footnote to Statement I.

DIFFERENT PARTS OF THE BRITISH EMPIRE.

FOREIGN SAILING and STEAM VESSELS that entered at, and cleared from, the PORTS DIVISION of the BRITISH EMPIRE OVERSEAS* during the year 1910—(continued).

cleared with Cargoes.

German.	Dutch.	Belgian.	French.	Spanish.	Italian.	Austro-Hungarian.	Greek.	Total Foreign.	Total British and Foreign.
Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
111	—	—	417	—	—	—	—	778	43,058
373	—	—	—	—	—	—	—	1,372	3,921
—	—	—	—	—	—	—	—	—	1,808
3,400	—	—	—	—	—	—	—	16,450	19,614
—	—	—	—	—	—	—	—	628	628
—	—	—	1,945	—	—	—	—	6,951	9,522
—	—	—	3,911	—	1,639	—	—	9,985	18,627
1,603	—	—	—	—	—	—	—	16,200	42,288
—	—	—	—	—	1,612	—	—	3,108	31,198
711	—	—	—	—	—	—	—	711	711
2,314	—	—	5,856	—	3,251	—	—	36,955	102,346
759	—	—	—	—	—	—	—	2,386	3,998
—	—	—	1,956	—	—	—	—	5,473	8,655
—	—	—	—	—	—	—	—	2,033	3,763
—	—	—	—	—	754	—	—	3,814	4,902
—	—	—	—	—	—	—	—	2,611	2,611
—	—	—	—	—	—	—	—	4,218	4,891
6,957	—	—	8,229	—	4,005	—	—	76,718	199,295

cleared with Cargoes.

—	187	—	—	—	—	—	—	1,147	295,990
5,565	—	758	—	729	—	—	907	42,160	130,196
2,109	5,756	—	—	—	—	2,337	2,272	22,092	221,844
3,888	—	—	—	—	—	—	—	3,888	311,335
—	—	—	—	—	—	—	—	—	323,652
7,773	—	—	—	—	—	—	—	7,773	352,220
—	—	—	—	—	—	—	—	—	129,938
—	—	—	2,604	—	—	—	—	2,604	77,570
13,783	—	—	—	—	—	—	—	13,783	590,931
17,444	—	—	—	—	—	—	—	17,444	44,820
33,291	—	—	—	—	—	—	—	33,291	712,914
6,016	—	—	—	—	—	—	—	6,016	40,149
—	—	—	—	—	—	—	—	—	206,042
70,534	—	—	—	—	—	—	—	70,534	1,594,856
18,402	—	—	—	—	2,446	2,711	—	25,835	166,411
—	—	—	—	—	—	—	—	—	45,054
—	—	—	—	—	—	—	—	—	15,871
—	—	—	—	—	—	—	—	—	18,422
—	—	—	—	—	—	—	—	—	351,852
—	—	—	—	—	—	—	—	—	442,729
—	—	—	—	—	—	—	—	—	4,025
—	—	—	—	—	—	—	—	—	877,953
2,668	—	—	—	—	—	—	—	—	444,203
—	—	—	—	—	—	—	—	16,020	2,178,033
—	—	—	—	—	—	—	—	12,876	44,153
—	1,305	—	—	—	—	—	—	2,039	283,769
4,523	1,948	—	—	—	—	—	—	16,472	62,315
—	—	—	—	4,719	—	—	—	22,708	183,880
115,472	9,196	758	2,604	5,448	2,446	5,048	3,179	246,148	7,678,818
122,429	9,196	758	10,833	5,448	6,451	5,048	3,179	322,866	7,878,113
1.6	0.1	0.0	0.1	0.1	0.1	0.1	0.0	4.1	100.0

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B

MOVEMENT OF SHIPPING BETWEEN THE
II.—STATEMENT showing the NET TONNAGE and NATIONALITY of BRITISH and
of the UNITED KINGDOM from and to each PRINCIPAL
(g) *Sailing Vessels Cleared with*

Cleared to	British.	Russian.	Swedish.	Nor- wegian.	Danish.
	Tons.	Tons.	Tons.	Tons.	Tons.
Channel Islands - - - - -	47,914	—	—	—	250
Gibraltar - - - - -	1,649	—	—	246	753
West Africa: The Colony and Protectorate of Southern Nigeria - - - - -	1,808	—	—	—	—
Union of South Africa:—					
Cape of Good Hope - - - - -	3,164	653	—	12,397	—
Natal - - - - -	—	628	—	—	—
Commonwealth of Australia:—					
Western Australia - - - - -	2,571	—	—	5,006	—
South Australia (including Northern Territory) - - -	8,642	1,995	—	2,440	—
Victoria - - - - -	26,088	1,436	1,885	11,276	—
New South Wales - - - - -	28,090	—	—	1,496	—
Queensland - - - - -	—	—	—	—	—
Tasmania - - - - -	—	—	—	—	—
Total Australia - - - - -	65,391	3,431	1,885	20,218	—
Dominion of New Zealand - - - - -	1,612	—	—	1,627	—
Dominion of Canada - - - - -	3,182	2,069	366	10,264	968
Newfoundland and Coast of Labrador - - - - -	2,320	—	—	2,031	1,504
British West India Islands - - - - -	1,083	3,441	—	2,016	—
British Guiana - - - - -	—	2,611	—	—	—
Deep Sea Fisheries - - - - -	—	—	—	32	55
Other British Possessions - - - - -	673	—	751	3,467	—
Total - - - - -	128,801	12,833	3,002	52,298	3,530

(h) *Steam Vessels Cleared with*

Channel Islands - - - - -	424,984	—	2,888	2,034	325
Gibraltar - - - - -	92,485	664	1,427	26,991	5,119
Malta and Gozo - - - - -	199,803	1,272	6,376	1,970	—
West Africa: The Colony and Protectorate of Southern Nigeria - - - - -	307,690	—	—	—	—
Union of South Africa:—					
Cape of Good Hope - - - - -	323,652	—	—	—	—
Natal - - - - -	370,156	—	—	—	—
Mauritius and Dependencies - - - - -	129,938	—	—	—	—
Aden and Dependencies - - - - -	75,577	—	—	—	—
British India:—					
Bombay (including Karachi) - - - - -	621,859	—	—	—	—
Madras - - - - -	27,376	—	—	—	—
Bengal - - - - -	688,172	—	—	—	—
Eastern Bengal and Assam - - - - -	34,133	—	—	—	—
Burmah - - - - -	206,042	—	—	—	—
Total British India - - - - -	1,577,582	—	—	—	—
Ceylon and Dependencies - - - - -	140,576	—	—	2,276	—
Commonwealth of Australia:—					
Western Australia - - - - -	45,054	—	—	—	—
South Australia (including Northern Territory) - - -	15,871	—	—	—	—
Victoria - - - - -	19,309	—	—	—	—
New South Wales - - - - -	352,120	—	—	—	—
Queensland - - - - -	445,784	—	—	—	—
Tasmania - - - - -	4,025	—	—	—	—
Total Australia - - - - -	882,463	—	—	—	—
Dominion of New Zealand - - - - -	454,163	—	—	—	—
Dominion of Canada - - - - -	2,257,379	—	1,422	26,533	5,820
Newfoundland and Coast of Labrador - - - - -	31,679	—	—	30,243	—
British West India Islands - - - - -	300,051	—	—	734	—
British Guiana - - - - -	49,157	—	—	16,472	—
Deep Sea Fisheries - - - - -	—	—	38	4,014	15,050
Other British Possessions - - - - -	168,960	1,270	—	9,138	1,100
Total - - - - -	7,786,220	3,206	12,151	130,405	27,414
Total Sailing and Steam:—					
Tonnage - - - - -	7,915,021	16,039	15,153	172,703	30,914
Percentage of each Nationality - - - - -	93.5	0.2	0.2	2.0	0.4

* See footnote to Statement I.

DIFFERENT PARTS OF THE BRITISH EMPIRE.

FOREIGN SAILING and STEAM VESSELS that entered at, and cleared from, the PORTS
DIVISION of the BRITISH EMPIRE OVERSEAS* during the year 1910—(continued).
Cargoes and in Ballast.

German.	Dutch.	Belgian.	French.	Spanish.	Italian.	Austro- Hungarian.	Greek.	Total Foreign.	Total British and Foreign.
Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
111	—	—	417	—	—	—	—	778	48,692
373	—	—	—	—	—	—	—	1,372	3,021
—	—	—	—	—	—	—	—	—	1,808
3,100	—	—	—	—	—	—	—	16,450	19,614
—	—	—	—	—	—	—	—	628	628
—	—	—	1,945	—	—	—	—	6,951	9,522
—	—	—	5,887	—	1,639	—	—	11,961	20,603
1,603	—	—	—	—	—	—	—	16,200	42,288
—	—	—	7,943	—	1,612	—	—	11,051	39,141
711	—	—	—	—	—	—	—	711	711
—	—	—	3,958	—	—	—	—	3,958	3,958
2,314	—	—	19,733	—	3,251	—	—	50,832	116,223
759	—	—	—	—	—	—	—	2,386	3,998
—	—	—	1,956	—	—	—	—	15,623	18,805
—	—	—	—	—	—	—	—	3,585	5,855
—	—	—	—	—	751	—	—	6,211	7,299
—	—	—	—	—	—	—	—	2,611	2,611
3,939	9,297	32	128	—	—	—	—	13,483	13,483
—	—	—	—	—	—	—	—	4,218	4,891
10,896	9,297	32	22,234	—	4,005	—	—	118,427	246,928

Cargoes and in Ballast.

—	187	—	—	—	—	—	—	5,434	430,418
5,565	—	758	—	729	—	—	907	42,160	184,645
2,109	5,756	—	—	—	—	2,337	2,272	22,092	221,897
3,888	11	—	—	—	—	—	—	3,899	311,580
—	—	—	—	—	—	—	—	—	323,652
34,428	—	—	—	—	—	—	—	34,428	404,584
—	—	—	—	—	—	—	—	—	129,938
—	—	—	2,604	—	—	—	—	2,604	78,181
13,783	—	—	—	—	—	—	—	13,783	635,642
17,444	—	—	—	—	—	—	—	17,444	44,820
33,291	—	—	—	—	—	—	—	33,291	721,463
6,016	—	—	—	—	—	—	—	6,016	40,149
—	—	—	—	—	—	—	—	—	206,042
70,534	—	—	—	—	—	—	—	70,534	1,618,116
18,402	—	—	—	—	2,446	2,711	—	25,835	166,411
—	—	—	—	—	—	—	—	—	45,054
—	—	—	—	—	—	—	—	—	15,871
—	—	—	—	—	—	—	—	—	19,309
69,191	—	—	—	—	—	—	—	69,191	421,614
—	—	—	—	—	—	—	—	—	445,784
—	—	—	—	—	—	—	—	—	4,025
69,194	—	—	—	—	—	—	—	69,194	951,657
—	—	—	—	—	—	—	—	—	454,163
2,668	—	—	—	—	—	—	—	36,443	2,293,722
—	—	—	—	—	—	—	—	30,243	61,922
—	1,305	—	—	—	—	—	—	2,039	302,093
—	—	—	—	—	—	—	—	16,472	65,629
21,779	4,755	296	—	—	—	—	—	45,932	45,932
4,533	1,948	—	—	4,719	—	—	—	22,708	191,688
233,100	13,962	1,054	2,604	5,448	2,446	5,048	3,179	430,017	8,216,237
243,996	23,259	1,086	24,838	5,448	6,451	5,048	3,179	548,144	8,463,163
2.9	0.3	0.0	0.3	0.1	0.1	0.0	0.0	6.5	100.0

MOVEMENT OF SHIPPING BETWEEN THE

III.—STATEMENT showing the NET TONNAGE of BRITISH and FOREIGN SAILING and STEAM VESSELS that ENTERED with CARGOES at PORTS in the various BRITISH SELF-GOVERNING DOMINIONS, CROWN COLONIES and POSSESSIONS from PORTS in other BRITISH SELF-GOVERNING DOMINIONS, CROWN COLONIES and POSSESSIONS in the latest year for which particulars are available.

(The figures relate to the year 1909, except where otherwise stated.)

Vessels entered with Cargoes.

British Self-Governing Dominions, Crown Colonies and Possessions.	Sailing.		Steam.		Sailing and Steam.	
	British.	Foreign.	British.	Foreign.	British.	Foreign.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
British India (except native craft) (year ended 31st March 1910)	25,000	2,000	1,776,000	297,000	1,801,000	299,000
Self-Governing Dominions :—						
Union of South Africa :—						
Cape of Good Hope†	6,000	17,000	53,000	2,000	59,000	19,000
Natal‡	1,000	4,000	694,000	55,000	695,000	59,000
Commonwealth of Australia†	60,000	17,000	913,000	65,000	973,000	82,000
Dominion of New Zealand	48,000	5,000	590,000	16,000	638,000	21,000
Dominion of Canada (year ended 31st March 1910).	—	—	‡430,000	‡220,000	430,000	220,000
Newfoundland (year ended 30th June 1909).	53,000	1,000	224,000	66,000	277,000	67,000
Total Self-governing Dominions	168,000	44,000	2,904,000	424,000	3,072,000	468,000
Crown Colonies and Possessions :—						
Cyprus	—	—	—	1,000	—	1,000
Gibraltar	6,000	2,000	526,000	12,000	532,000	14,000
Malta (year ended 31st March 1910).	—	—	376,000	98,000	376,000	98,000
Gambia	—	—	67,000	—	67,000	—
Sierra Leone	—	—	352,000	15,000	352,000	15,000
Gold Coast	—	—	180,000	28,000	180,000	28,000
Southern Nigeria	—	—	8,000	4,000	8,000	4,000
St. Helena	—	—	68,000	—	68,000	—
British East Africa Pro- tectorate (year ended 31st March 1910).‡	33,000	10,000	293,000	383,000	326,000	393,000
Somaliland Protectorate (year ended 31st March 1910).	5,000	4,000	45,000	—	50,000	4,000
Mauritius	7,000	—	80,000	5,000	87,000	5,000
Seychelles	1,000	—	17,000	38,000	18,000	38,000
Aden (except native craft) (year ended 31st March 1910).	—	—	*1,312,000	—	*1,312,000	—
Carried forward	245,000	62,000	8,004,000	1,215,000	8,249,000	1,277,000

* Including "Foreign Vessels," which cannot be separately distinguished.
† Excluding Inter-State Shipping.
‡ Including vessels engaged in the coasting trade.
§ Including sailing vessels, which cannot be separately distinguished.

DIFFERENT PARTS OF THE BRITISH EMPIRE.

III.—STATEMENT showing the NET TONNAGE of BRITISH and FOREIGN SAILING and STEAM VESSELS that ENTERED with CARGOES at PORTS in the various BRITISH SELF-GOVERNING DOMINIONS, CROWN COLONIES and POSSESSIONS from PORTS in other BRITISH SELF-GOVERNING DOMINIONS, CROWN COLONIES and POSSESSIONS in the latest year for which particulars are available—(continued).

(The figures relate to the year 1909, except where otherwise stated.)

Vessels entered with Cargoes—(continued).

British Self-Governing Dominions, Crown Colonies and Possessions.	Sailing.		Steam.		Sailing and Steam.	
	British.	Foreign.	British.	Foreign.	British.	Foreign.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Brought forward	245,000	62,000	8,004,000	1,215,000	8,249,000	1,277,000
Crown Colonies and Possessions —cont.						
Straits Settlements (inclusive of inter-settlement shipping).	1,000	2,000	3,486,000	798,000	3,487,000	800,000
Ceylon	120,000	—	2,736,000	879,000	2,856,000	879,000
Territory of Papua (year ended 30th June 1909).	1,000	—	60,000	53,000	61,000	53,000
Hong Kong	—	—	603,000	245,000	603,000	245,000
Fiji	2,000	—	252,000	—	254,000	—
Bermuda (1908)	—	1,000	114,000	1,000	114,000	2,000
Bahamas	1,000	—	34,000	66,000	35,000	66,000
Turk's and Caicos Islands	1,000	1,000	—	20,000	1,000	21,000
St. Lucia	4,000	—	141,000	22,000	145,000	22,000
St. Vincent	9,000	1,000	145,000	6,000	154,000	7,000
Barbados	28,000	2,000	232,000	32,000	260,000	34,000
Grenada	6,000	—	194,000	—	200,000	—
Leeward Islands (exclusive of internal trade).	8,000	2,000	273,000	9,000	281,000	11,000
Jamaica	6,000	1,000	5,000	22,000	11,000	23,000
Trinidad and Tobago	12,000	2,000	257,000	113,000	269,000	115,000
British Honduras	—	—	5,000	—	5,000	—
British Guiana (year ended 31st March 1910).	11,000	—	241,000	86,000	252,000	86,000
Falkland Islands	—	—	—	—	—	—
Total of British and Foreign	455,000	74,000	16,782,000	3,567,000	17,237,000	3,641,000
TOTAL	529,000		20,349,000		20,878,000	

NOTE.—Though the figures given above relate solely to vessels "entered," the total represents, approximately, both the entrances and the clearances in the Inter-Colonial trade.

ANNEX III.

BRITISH AND FOREIGN SHIPPING ENGAGED IN THE BRITISH INTER-COLONIAL TRADE
AND COLONIAL COASTING TRADE.(a) *British and Foreign Vessels engaged in the Inter-Colonial Trade.*

STATEMENT showing for the Year 1909 the TONNAGE of VESSELS, distinguishing SAILING and STEAM, BRITISH and FOREIGN, that entered at PORTS in the various BRITISH SELF-GOVERNING DOMINIONS, CROWN COLONIES and POSSESSIONS from PORTS in other BRITISH SELF-GOVERNING DOMINIONS, CROWN COLONIES and POSSESSIONS, with CARGOES and in BALLAST.

(The figures relate to the year 1909, except where otherwise stated.)

British Self-Governing Dominions, Crown Colonies and Possessions.	Entered.					
	Sailing.		Steam.		Sailing and Steam.	
	British.	Foreign.	British.	Foreign.	British.	Foreign.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
British India (except native craft) (year ended 31st March 1910).	38,000	2,000	2,430,000	298,000	2,468,000	300,000
Self-governing Colonies :—						
Union of South Africa :—						
Cape of Good Hope†	8,000	17,000	53,000	2,000	61,000	19,000
Natal‡	1,000	4,000	705,000	55,000	706,000	60,000
Commonwealth of Australia†	101,000	70,000	1,219,000	85,000	1,320,000	155,000
Dominion of New Zealand	50,000	9,000	619,000	17,000	669,000	26,000
Dominion of Canada (year ended 31st March 1910).	68,000	17,000	510,000	233,000	578,000	250,000
Newfoundland (year ended 30th June 1909).	62,000	1,000	229,000	278,000	291,000	279,000
Total Self-governing Colonies - - - - -	290,000	118,000	3,833,000	671,000	3,625,000	789,000
Other Colonies and Possessions :—						
Cyprus - - - - -	—	—	—	—	—	—
Gibraltar - - - - -	6,000	2,000	528,000	13,000	534,000	15,000
Malta (year ended 31st March 1910).	—	—	647,000	194,000	647,000	194,000
Gambia - - - - -	—	—	67,000	1,000	67,000	1,000
Sierra Leone - - - - -	—	—	364,000	15,000	364,000	15,000
Gold Coast - - - - -	—	—	185,000	28,000	185,000	28,000
Southern Nigeria - - - - -	—	—	8,000	4,000	8,000	4,000
St. Helena - - - - -	—	—	68,000	—	68,000	—
British East Africa Pro- tectorate (year ended 31st March 1910).‡	38,000	15,000	294,000	393,000	332,000	339,000
Somaliland Protectorate (year ended 31st March 1910).	5,000	6,000	50,000	4,000	55,000	10,000
Mauritius - - - - -	7,000	1,000	110,000	5,000	117,000	6,000
Seychelles - - - - -	1,000	3,000	32,000	44,000	33,000	47,000
Aden (except native craft) (year ended 31st March 1910).	—	—	*1,312,000	—	*1,312,000	—
Carried forward - - -	385,000	148,000	9,430,000	1,660,000	9,815,000	1,808,000

* Including "Foreign Vessels," which cannot be separately distinguished.
† Excluding Inter-State Shipping.
‡ Including vessels engaged in the coasting trade.

ANNEX III.—continued.

British and Foreign Vessels engaged in the Inter-Colonial Trade.

British Self-Governing Dominions, Crown Colonies and Possessions.	Entered.					
	Sailing.		Steam.		Sailing and Steam.	
	British.	Foreign.	British.	Foreign.	British.	Foreign.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Brought forward - - -	385,000	148,000	9,430,000	1,660,000	9,815,000	1,808,000
Other Colonies and Possessions —cont.						
Straits Settlements (inclusive of inter-settlement shipping).	2,000	2,000	3,502,000	790,000	3,504,000	792,000
Ceylon - - - - -	130,000	—	3,489,000	1,239,000	3,619,000	1,239,000
Territory of Papua (British New Guinea) (year ended 30th June 1909).	1,000	—	60,000	53,000	61,000	53,000
Hong Kong - - - - -	—	—	538,000	181,000	538,000	181,000
Fiji - - - - -	2,000	—	260,000	1,000	262,000	1,000
Bermuda (1908) - - - - -	—	2,000	141,000	2,000	141,000	4,000
Bahamas - - - - -	1,000	—	34,000	75,000	35,000	75,000
Turk's and Caicos Islands - -	4,000	5,000	—	21,000	4,000	26,000
St. Lucia - - - - -	5,000	1,000	189,000	44,000	194,000	45,000
St. Vincent - - - - -	9,000	1,000	145,000	6,000	154,000	7,000
Barbados - - - - -	31,000	3,000	295,000	35,000	326,000	39,000
Grenada - - - - -	7,000	—	214,000	10,000	221,000	10,000
Leeward Islands (exclusive of internal trade).	8,000	2,000	353,000	13,000	361,000	15,000
Jamaica - - - - -	8,000	5,000	16,000	24,000	24,000	29,000
Trinidad and Tobago - - -	14,000	4,000	367,000	117,000	381,000	121,000
British Honduras - - - - -	—	—	5,000	1,000	5,000	1,000
British Guiana (year ended 31st March 1910).	11,000	1,000	251,000	88,000	262,000	89,000
Falkland Islands - - - - -	—	—	—	—	—	—
Total of British and Foreign -	618,000	174,000	19,189,000	4,361,000	19,807,000	4,535,000
TOTAL - - - - -	792,000		23,550,000		24,342,000	

NOTE.—It will be observed that, though the items of which this total is made up all refer to "entries," the total represents, approximately, the total entrances and clearances in the inter-colonial trade. Thus, the figures for Canada include the vessels entered in Canada from New Zealand, and the New Zealand figures include the vessels entered in New Zealand from Canada.

APPENDIX V.

IMPERIAL CONFERENCE, 1911.

NOTE ON UNIFORMITY OF TRADE STATISTICS.

Note on the Uniformity of the Trade Statistics of the British Self-Governing Dominions, Crown Colonies, Possessions, and Protectorates—summarising the outcome of the Action taken on the Resolution adopted by the Imperial Conference of 1907.

PREPARED BY THE BOARD OF TRADE.

Note on the Trade Statistics of the British Self-Governing Dominions, Crown Colonies, Possessions, and Protectorates—summarising the outcome of the Action taken on the Resolution adopted by the Imperial Conference of 1907.

The following Resolution on the subject of the Trade Statistics of the Empire was adopted by the Conference of 1907 at the instance of the Imperial Government:—

"That it is desirable, so far as circumstances permit, to secure greater uniformity in the Trade Statistics of the Empire, and that the Note prepared on this subject by the Imperial Government be commended to the consideration of the various Governments represented at this Conference."

The suggestions submitted in the Note referred to were briefly as follows:—

- (1) That trade statistics should, wherever possible, be compiled for calendar years;
- (2) That the particulars should be shown by Countries of Consignment for imports and Countries of Ultimate Destination for exports;
- (3) That the classification of the articles, particularly "textiles" and "metals," should be amplified, where possible; and
- (4) That the imports and exports of articles should be summarised by *groups* (e.g., food stuffs, raw materials, and manufactured articles)—distinguishing trade with the United Kingdom, British Possessions, and Foreign Countries.

The Imperial Government took steps in 1907, in conformity with the terms of the Resolution, to draw the attention of the Governments of British India, the Self-Governing Dominions, and various other parts of the British Empire, to the Note which had been laid before the Conference, with a view to due consideration being given to the matter and to the adoption by those Governments, as far as they might find practicable, of the recommendations made.

Since that date the Governments concerned have caused careful survey to be made of the matter in the light of the recommendations contained in the Imperial Government's Note, and, in some instances, the assistance of the Board of Trade has been sought, as suggested in the Note, by means of correspondence in connection with various points respecting which further information has been desired. Official representatives from British South Africa and the Gold Coast have also taken advantage of the opportunity afforded by their presence in this country to interview officers of the Board of Trade personally for the purpose of discussing certain matters affecting the subject.

The efforts thus made to meet the suggestions submitted to the Conference have resulted in such amendments in the Trade Returns issued for various parts of the Empire that their utility has been considerably enhanced.

The general results may be summarised as follows:—

(1) *Common Statistical Year.*—It was suggested in the first place that the Trade Returns should be compiled for *calendar*, instead of for *financial*, years, throughout the Empire. In many instances this practice was already being followed, but since 1907 other Colonies (viz., Jamaica, St. Vincent, and Trinidad) have adopted the suggestion, so that the latest Trade Returns of the Empire at present available are uniformly presented for the calendar year, except in the cases of British India, Canada, Newfoundland, Aden, Papua, Nyasaland and the various East Africa Protectorates, British Guiana, and Malta. The returns for Newfoundland and Papua are compiled for years ending 30th June, and those for the other parts of the Empire named for years ending 31st March.

The Government of British India have stated that they are not desirous of adopting a calendar year for the purposes of their "Annual Statement of Trade" on the "ground that statistical comparisons with past years would be difficult for a very long time, that financial transactions are recorded for official, and not calendar, years,

"and that as the busiest commercial season in India ends in March the present arrangement is considered advantageous." It may, however, be mentioned that the Indian Government annually issue "abridged" trade statistics in English currency for a calendar year, on lines similar to those followed in the ordinary Indian monthly accounts.

The Canadian Government deem it "necessary to present the Trade Tables to Parliament annually for the present ending with the fiscal year," which was changed from June to March by Act No. 12 of 1906.

The latest returns at present available for British Guiana relate to the year ended 31st March 1910, but the Government of the Colony have expressed their intention to present them for calendar years in future.

The Newfoundland and other Governments not issuing their Trade Returns for calendar years compile their statistics so as to make them coincide with the fiscal year of the Colony.

(2) *Countries of Consignment of Imports and of Ultimate Destination of Exports.*—The suggestion that the "Countries of Consignment" of imports and of the "Ultimate Destination" of exports should be shown was already partially in operation in certain parts of the Empire, but some difficulty has been experienced in giving effect to the suggestion in other cases, as it has necessitated, not only an alteration in the forms of entry and clearance of goods as provided for in the Customs regulations, but an amendment of the Customs laws also.

As regards *Imports*, the "Countries of Origin" of goods have been given in the annual Trade Returns for the Commonwealth of Australia from 1905, for British South Africa from 1906, for Ceylon from 1901, and for Mauritius from 1907 inclusive, but, in consequence of the consideration of the Note laid before the Conference of 1907, the suggestion to show the "countries of consignment" of imports has now been adopted, or an undertaking has been given that it shall be adopted, in many other parts of the Empire.

In the case of British India, supplementary volumes to the annual Trade Returns were issued, for the first time, for the year 1907-8, giving the returns on a "consignment" basis for private merchandise in English, and not in local, currency. The Indian Government have recently decided, under a Notification of 16th February 1911, to adopt permanently the new system of registration by "Countries of Consignment" for imports and of "Ultimate Destination" for exports in their Trade Returns for the year 1911-12, instead of continuing the system as supplementary to that at present in operation. This decision will make the Indian practice accord with that followed in the United Kingdom, where consignment figures are now issued prior to, and not supplementary to, the returns giving details of the import trade according to countries of shipment and of the export trade according to countries in which the port of discharge is situated.

The Canadian Government took steps to carry out the suggestion to record countries of consignment of imports in August 1910, and have promised to cause their import statistics to be published on this basis.

Steps have also been taken to give effect to the suggestion in most of the other Colonies, Possessions, and Protectorates, so that uniformity of the trade statistics of the Empire in this respect has already been largely secured. It has not, however, for various reasons, been found possible as yet to carry out the suggestion in some parts of the Empire, notably in New Zealand, Newfoundland, the Straits Settlements, Grenada, and the Leeward Islands.

The New Zealand Government have pointed out "that it would be in vain to expect importers to state the 'Country of Origin' in the case of goods not subject to surtax" (i.e., additional duties leviable on foreign goods) not coming direct from such country. It is stated that "in many cases this information is not known, and any attempt to exact it would result in very imperfect and unreliable information being given."

The Newfoundland Government have stated that it would be necessary to alter the mode of entering goods in order to conform to the suggested plan, and that their statistical staff is too small to admit of a second compilation of the yearly returns in a different form from that now in use.

As regards the Straits Settlements, Grenada, and the Leeward Islands, it is considered either difficult or impracticable to obtain the information necessary to give effect to the suggestion.

As regards *Exports* it would appear from information furnished by the various Governments that the returns are, in general, compiled on the basis of ultimate destination, so far as known.

It may be observed that the difficulties in the way of securing returns of imports according to countries of *actual origin* are such that, for the purposes of the Trade Returns of the United Kingdom, they have been found insuperable, while, as a record of trade done, returns according to countries from which the goods have been shipped direct must, in many instances, be faulty. The system now adopted in the United Kingdom, which, it is believed, affords the best obtainable result, is that of recording the imports according to countries from which the goods were consigned to this country (i.e., countries practically of last ownership), and the exports according to the countries of ultimate destination, so far as known to the exporters. It is suggested that this system might be adopted with advantage by those parts of the Empire which have not already taken steps to carry it out.

(3) *Classification of Articles*.—With regard to the suggestion relative to an amplified classification of imports and exports, the detailed returns have, in various instances, been subjected to considerable amendment, and in some cases revised Import and Export Lists have been issued, with the result that the Trade Returns for British India and the Self-Governing Dominions are now generally recorded in a fairly exhaustive manner.

In the case of the Commonwealth of Australia—for which a revised classification for both imports and exports was adopted in June 1908—the classification laid down accords generally with that of the Customs Tariff, so that certain articles, such as *cotton* and *linen* piece goods, are still not separately distinguished, but included under the general heading of “piece goods.”

The Barbados Government have pointed out that an endeavour has been made to distinguish the various classes of textiles in their Trade Returns, but that the merchants' entries do not furnish the information requisite to enable them to make the distinction.

The import returns for many of the Colonies are stated to be classified as nearly as possible in accordance with the export returns of the United Kingdom.

It has to be observed, however, that the *arrangement* of the articles is not uniform throughout the Empire.

At the present time, British India and some of the Colonies arrange the articles *alphabetically* under main groups (viz., Foods, Raw Materials, and Manufactured Articles); the Dominion of Canada also arranges the articles alphabetically, but distinguishes the “dutiable” and “free” goods, whilst various Self-Governing Dominions and some other Colonies adopt a general alphabetical arrangement irrespective of the groups to which the articles belong, or whether they are dutiable or not. On the other hand, some parts of the Empire (notably British Guiana) arrange the articles on the general lines of the Customs Tariff, the articles being stated alphabetically, but grouped according to whether subject to specific or *ad valorem* rates of duty or included in the free list. But even in those parts of the Empire which have adopted the principle of a “group” classification, the articles are not classified on a strictly uniform basis.

Further, it is found that various articles are differently classified in different Colonies, e.g., “live stock” is sometimes classified under “animals” and sometimes according to description (as horses, cattle, &c.); “meat” is variously classified under “provisions” or “beef,” “mutton,” “pork,” &c.; whilst “spirits” are sometimes shown separately, according to kind, under “whisky,” “brandy,” &c. In view of such divergencies of practice, it would appear desirable that some standard method of classification should be adopted which will enable reference to any particular article a matter of comparative ease.

In the detailed Annual Trade Returns of the United Kingdom the articles are, in general, stated alphabetically, but in some cases the articles are grouped under a general heading, e.g., wheat and other cereals are classed under “corn” and pig iron under “metals.” A “group” classification is only adopted in the Annual Trade Returns of the United Kingdom for the purposes of the *summary statements*—and this is considered adequate for ordinary purposes. Although the adoption of a strictly alphabetical classification of articles would necessitate a revision of the practice in some of the Colonies and Possessions, it would appear that such a classification, on the lines followed in the Trade Returns of the United Kingdom, would considerably enhance the utility, from the point of view of easy comparison, of the returns for those Colonies and Possessions which do not at present follow this arrangement, and that it would be found quite sufficient for ordinary requirements without impairing the value of the statistics.

(4) *Summarised Classification of Articles by Groups*.—The suggestion made in 1907 as to the inclusion in the Trade Returns of summary statements of imports and exports by *groups* (i.e., food, drink, and tobacco; raw materials; manufactured articles; miscellaneous; and bullion and specie), distinguishing trade with the United Kingdom, British Possessions, and Foreign Countries, has met with considerable approval, and its partial adoption is gratifying, especially in view of the fact that a good deal of additional clerical labour is involved in the compilation of such information.

Although a summary in the form suggested in the Note of 1907 is now included in the Trade Statistics of several of the Colonies, it is found, on reference to the latest available returns, that its inclusion has not, as yet, become general. Such a summary is not at present included in the Trade Returns of—

British India.	Seychelles.	St. Vincent.
Commonwealth of Australia.	British East Africa.	Grenada.
Dominion of New Zealand.	Southern Nigeria.	Leeward Islands.
British South Africa.	Gold Coast.	Trinidad and Tobago.
Newfoundland.	Jamaica.	Malta, and
Fiji.	Turk's and Caicos Islands.	Cyprus.
Ceylon.	Barbados.	

The Governments of Fiji, Gold Coast, St. Vincent, and Cyprus have, however, expressed their intention to include the desired summary in future issues of their Returns. Some other of the Crown Colonies continue to give a summary classified on the lines recommended by the Trade Committee of 1891, and in a few cases have amplified this by distinguishing the trade under each group with various countries. This Committee, which was appointed to inquire into the compilation of import and export statistics in the Colonies, recommended, *inter alia*, the adoption of a general classification of articles under the headings of (1) Live Animals, Food and Drink, and Narcotics; (2) Raw Materials; (3) Manufactured Articles; and (4) Coin and Bullion. Such a classification has been adopted in many of the Crown Colonies, but the trade carried on with the United Kingdom, British Possessions, and Foreign Countries *under each group* has not been uniformly distinguished in the summary.

At the time of the inquiry in 1891 it was thought essential to avoid the use of a “Miscellaneous” heading, and to include “Live Animals” with the “Food and Drink” class. Since then, however, some of the Colonies have specified as “Unenumerated,” articles which cannot be correctly allocated to one or other of the above groups, and a “Miscellaneous” heading has accordingly now become necessary. Under this heading all live animals, other than those for food, should be classed. It seems desirable, if uniformity is to be attained, that the summary classification at present presented in some Colonies in accordance with the recommendations of the Committee of 1891, should be amplified, where necessary, not only by the inclusion of a “Miscellaneous” group, but also by distinguishing under *each group* the trade carried on with the United Kingdom, British Possessions, and Foreign Countries, as suggested in 1907.

It may be remarked that, although a group summary is not included in all the Colonial Trade Returns (as above stated), the requisite information in summary form has been compiled for the various Self-Governing Dominions, as well as for Ceylon, Jamaica, Barbados, and Trinidad and Tobago for the year 1909, and specially furnished to the Board of Trade for use in the “Statistical Abstract for the British Empire,” so that, in these cases, there will probably be little difficulty in including such a summary compiled on similar lines in future issues of the trade statistics for those parts of the Empire.

It is desirable, however, that if returns under a “group” classification are to be of use for comparative purposes, the articles themselves should be summarised on a uniform basis, and there is some reason to believe that this is not at present the case. For instance, some of the Colonies apparently classify “oils” and “wood and timber” as “manufactured,” these articles being classed in the United Kingdom Returns as “raw materials,”—except as regards “edible oils,” which are included with “food stuffs.” In other cases, “unwrought metals” (such as plates, sheets, &c.) are sometimes classed in the Colonial Returns as “raw materials,” whereas in the United Kingdom Returns all metals (except ore and old iron and steel) are classed under

"manufactured articles." A uniform classification of articles by groups, on the lines adopted in the Trade Returns of the United Kingdom, would considerably augment the value of the returns.

It may be remarked that the recommendations laid before the Conference of 1907, and submitted for the consideration of the Governments of the various parts of the Empire, have, on the whole, received very favourable consideration and that a large measure of success has attended the efforts made to bring about greater uniformity.

A Statement is annexed showing the results of the communications which have passed with reference to the points submitted in the Note laid before the Conference of 1907 on the matter referred to in the foregoing observations.

Board of Trade,
April, 1911.

ANNEX.

STATEMENT OF THE OUTCOME OF THE ACTION TAKEN ON THE RESOLUTION ADOPTED BY THE IMPERIAL CONFERENCE OF 1907, WITH A VIEW TO SECURING GREATER UNIFORMITY IN THE TRADE STATISTICS OF (1) BRITISH INDIA AND THE SELF-GOVERNING DOMINIONS, AND (2) THE CROWN COLONIES, POSSESSIONS, AND PROTECTORATES.

(1) British India and the Self-Governing Dominions.

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be simplified.	That Imports and Exports should be summarised under Feeds, &c., Raw Materials, and Manufactured Articles, &c., and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
British India.			
<p>Returns compiled for the year ended 31st March.*</p> <p>[The Indian Government point out "that when a similar proposal to adopt a calendar year was made in 1891 the Government demurred to any change on the ground that statistical comparisons with past years would be difficult for a very long time; that financial transactions are recorded for the official and not the calendar year; and that, as the busiest commercial season in India ends in March, the present arrangement is advantageous."</p> <p>They also state "that the reasons then advanced in favour of adhering to the official year still hold good, and that they are strongly of opinion that any change is from the point of view of India, greatly to be deprecated."]</p>	<p>The Indian Government have published supplementary volumes (in English currency) showing countries of consignment of imports and ultimate destination of exports for the first time for 1907-8.</p> <p>The new method of registration (which is not applied to Government stores and treasure) is supplementary to the system at present in vogue, viz., the registration of the import trade according to the country of shipment and the export trade according to the country in which the port of discharge is situated.</p> <p>The Government of India have now decided, under a Notification (No. 1190-13) dated 16th February 1911, to adopt permanently the new system of registration by countries of consignment for imports and of final destination for exports, with effect from 1911-12, and the supplementary volumes of sea-borne trade statistics will therefore cease after the year 1910-11.</p>	<p>The Indian Government state that "the question of the adoption of the main heads of the British returns in respect of classification of exports and imports for the Indian Returns . . . has been for some time under consideration. Some progress has been made by the Director-General of Commercial Intelligence towards the formulation of specific proposals, and we hope shortly to receive definite recommendations from him."</p> <p>[NOTE.—The articles are specified in the Returns for 1909-10 in somewhat similar detail to that shown in the Trade Returns of the United Kingdom.]</p>	<p>A group classification is adopted in the detailed tables given in the "Annual Statement of the Sea-borne Trade and Navigation of British India," distinguishing trade with the "British Empire" and "Foreign Countries."</p> <p>The groups are somewhat more extended than those suggested, and the classification of the articles does not entirely correspond with that adopted in the United Kingdom (e.g., "Ores" are included with "Metals and Manufactures of," and not with "Raw Materials," as in the United Kingdom Trade Returns).</p> <p>Supplementary returns are also issued for calendar years, classifying the imports and exports under the several groups, but the trade carried on with the United Kingdom, British Possessions and Foreign Countries is not distinguished in such returns.</p>

Commonwealth of Australia.

Previously adopted	<p>Imports. — "Countries of Origin" have been given from 1905.</p> <p>Exports. — "Countries to which exported" are shown.</p>	<p>A revised "Statistical Classification of Imports, Inter-State Transfers, and Exports" was issued in June 1908.</p> <p>The classification is exhaustive, and, for imports, mainly follows that adopted in the Customs Tariff. In consequence, such articles as "Cotton and linen piece goods" are not separately distinguished.</p>	<p>A summary for 1909 on the lines suggested was specially furnished to the Board of Trade for use in the "Statistical Abstract for the British Empire," but such a summary has not, as yet, been published in the Trade Returns.</p>
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* In addition to the Trade Returns compiled for financial years ended March there are other returns issued for Calendar Years (in English currency) in a form similar to the Monthly Accounts.

(1) *British India and the Self-Governing Dominions—continued.*

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be amplified.	That Imports and Exports should be summarised under Foods, &c., Raw Materials, and Manufactured Articles, &c., and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
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Dominion of New Zealand.

Previously adopted	<p>Imports.—The Dominion Government have stated that "in the case of foreign goods liable to surtax the particular foreign country from which they come is not shown, but the total value and amount of duty is shown separately. It would be in vain to expect importers to state the country of origin in the case of goods not subject to surtax in the case of goods not coming direct from such country. In many cases this information is not known, and any attempt to exact it would result in very imperfect and unreliable information being given."</p> <p>Exports.—It was further stated that "goods are entered as exported to the country of ultimate destination, so far as this can be ascertained."</p> <p>[NOTE.—The New Zealand Government also stated that they "would be glad to aid in the assimilation of returns with those of the United Kingdom, but it is reluctant to make changes unless the principal British Possessions act simultaneously, because changes of classification or of order, where adopted, hinder comparison with returns of previous years."]</p>	<p>It was stated "that every care is taken to give sufficient details without burdening the return unduly. The order in which goods are stated approximates to that shown in the detailed import and export returns of the Board of Trade."</p>	<p>A summary for 1909 on the lines suggested was specially furnished to the Board of Trade for use in the "Statistical Abstract for the British Empire." Such summary is not, as yet, included in the New Zealand Trade Returns.</p> <p>The Dominion Government have stated that "there would be no objection to embodying a return for imports similar to that shown in the statistics of the Board of Trade (Summary No. 2), but it is considered desirable that this should be done simultaneously by Canada, Australia, and New Zealand."</p> <p>[NOTE.—A summary on the lines suggested is now given in the <i>Canadian Trade Returns</i>.]</p>
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British South Africa.*

Previously adopted	<p>Previously adopted (viz., from 1906 inclusive).</p> <p>It is stated in the Trade Returns of British South Africa for 1909 that the returns supply "the information as to the countries of origin of the goods imported and the declared country of destination for exports."</p> <p>"By 'countries of origin' is meant the place in which it is declared the goods had been manufactured, grown, or produced, as opposed to the country in which, for the purposes of this import, they may happen to have been purchased, or from which shipped."</p>	<p>The articles are classified in an exhaustive manner, particularly in the case of textiles and metals.</p>	<p>A summary for 1909 on the lines suggested was specially furnished to the Board of Trade for use in the "Statistical Abstract for the British Empire," but such summary is not, as yet, included in the "Annual Statement of the Trade and Shipping" for British South Africa.</p> <p>[NOTE.—The total of "Articles of food and drink," however, is specified, by countries, in the detailed returns both for imports and exports.]</p>
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[NOTE.—The Board of Trade had the advantage of a personal interview with the Principal of the South African Customs Statistical Bureau in July 1908 with a view to the consideration of questions relative to the compilation of the South African Trade Returns, and the various suggestions then made were ultimately satisfactorily adopted.]

* The Trade Returns are compiled for British South Africa as a whole, including the Union of South Africa, Swaziland, Basutoland, Bechuanaland Protectorate, and Rhodesia.

(1) *British India and Self-Governing Dominions—continued.*

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be amplified.	That Imports and Exports should be summarised under Foods, &c., Raw Materials, and Manufactured Articles, &c., and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
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Dominion of Canada.

<p>The returns are compiled for the year ending 31st March.</p> <p>The Canadian Government have stated that "it is deemed necessary to present the Trade Tables to Parliament annually for the period ending with the fiscal year. It would not, therefore, be feasible to furnish a statistical report of imports and exports by calendar years, except as a special report in addition to the usual annual report for the fiscal year."</p> <p>[NOTE.—The Canadian Government changed their financial year from a year ending June to a year ending March by Act No. 12 of 1906.]</p>	<p>Imports.—The Canadian Government have stated that steps will be taken "to obtain Customs entries from importers, showing the countries from which imported goods are consigned to Canada and to cause import statistics to be published on that basis."</p> <p>[NOTE.—Amended forms of invoice approved by the Canadian Customs were issued in August 1910.]</p> <p>Exports.—The Government have further stated that "the ultimate destination of exports is shown in the Canadian entries for export, from the information furnished by the exporters on the export entry papers, so far as can be ascertained at time of shipment. The actual 'ultimate destination' is, however, often unknown to the exporter himself at the date of exportation."</p>	<p>The articles are classified in some considerable detail, and, as regards imports, the classification closely follows that adopted in the Customs Tariff.</p> <p>The "dutiable" and "free" goods are separately classified in the returns.</p>	Adopted.
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Newfoundland.

<p>The returns are compiled for years ending 30th June.</p>	<p>The Newfoundland Government have stated that the trade statistics "are compiled from the Customs entries, which are made in conformity with the tariff. In order to bring our statistics in uniformity with those of the United Kingdom it would be necessary for us to alter the arrangement of our tariff and the mode of entering goods. It is further stated that the statistical staff is too small to admit of a second compilation in different form of the yearly returns."</p>
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(2) *Crown Colonies, Possessions, and Protectorates.*

Aden.

<p>The returns are compiled for years ending 31st March.</p>	<p>The classification of articles is somewhat similar to that adopted in the Indian Trade Returns.</p>	<p>A summary group classification is given, but not exactly in accordance with that suggested—the trade carried on with United Kingdom, British Possessions, and Foreign Countries not being distinguished.</p>
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(2) Crown Colonies, Possessions, and Protectorates—continued.

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be amplified.	That Imports and Exports should be summarised under Foods, &c., Raw Materials, and Manufactured Articles, &c., and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
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Straits Settlements.

Previously adopted -	The Straits Settlements' Registrar of Imports and Exports states that "it would not be practicable to obtain this additional information in a free port. Although in the case of imports it would be possible to have an additional column, 'Country of origin,' in the declaration form, it is doubtful whether 'foreign' merchants, in particular, would be anxious to give, even when known, correct information on the point." "There is no law requiring to have the goods marked with the name of the country of manufacture, nor would such a measure be of much use in free ports having no Customs' staffs. As regards exports, produce, almost without exception, is shipped from here on optional bills of lading, showing generally three and sometimes five or six ports, and attempts to trace, months afterwards, each shipment, which may have sometimes been broken and taken delivery of on route would be hopeless."	An extended classification of articles has been adopted, particularly affecting earthenware, hardware, machinery, apparel, hosiery, and millinery.	Adopted, so far as possible. The classification is somewhat on the lines of that recommended by the Trade Committee of 1891—viz., all living animals (instead of that for food only) are included under the heading of "live animal food, drinks, and narcotics," whilst a "miscellaneous" group is not shown. [NOTE.—The Export Returns of the Straits Settlements do not discriminate between "domestic" and "other produce," so that the summarised statement is necessarily confined to "total exports."]
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Ceylon.

Previously adopted -	Imports.—The import returns have been classified according to "Countries of production" from 1901 inclusive. Exports.—The export returns are stated to be classified according to "Countries to which exported." The Principal Collector of Customs, however, states that "every endeavour is made to ascertain the country of origin of imports and the ultimate destination of exports."	The Ceylon Government have stated that the "classification of articles is drawn up on home lines—in textiles and metals the returns show clearly the home imports and those from rivals on the Continent." They have further stated that the classification is "already full and satisfactory," and that the system of Customs Returns "is, as far as feasible, in line with that of the United Kingdom."	A summary for 1909 on the lines suggested was specially furnished to the Board of Trade for use in the "Statistical Abstract for the British Empire," but such summary is not, at present, included in the Trade Returns of the Colony.
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(2) Crown Colonies, Possessions, and Protectorates—continued.

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be amplified.	That Imports and Exports should be summarised under Foods, &c., Raw Materials, and Manufactured Articles, &c., and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
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Mauritius.

Previously adopted -	Previously adopted -	The classification of articles corresponds. It is stated, with the export returns of the United Kingdom.	Adopted.
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Seychelles.

Previously adopted -	Imports.—Adopted. Exports.—The export returns are classified according to "Countries to which exported." It is stated that it would be "very difficult" to show countries of ultimate destination, and "special legislation would be necessary to compel exporters to supply the necessary information."	The import and export returns are stated to be prepared "according to an amplified classification of commodities, and the import returns are based, as nearly as possible, upon the export returns of the United Kingdom."	It is stated that the Trade Returns have "been cast as from 1st January 1909 in a form of summary classification by groups, distinguishing trade with the United Kingdom, British Possessions, and Foreign Countries." A modified form of classification of the articles by countries is given under certain groups in the detailed returns, but some articles are not allocated to any particular group. No summary statement is shown classifying the articles under the main groups, viz., foods, &c., raw materials, and manufactured articles, &c., distinguishing the trade carried on with the United Kingdom, British Possessions, and Foreign Countries.
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Hong Kong.

There are no complete Customs returns—Hong Kong being a free port.

Territory of Papua.

The returns are compiled for years ending 30th June.	The returns do not distinguish the countries of consignment or destination of the goods.
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Fiji.

Previously adopted -	The Governor of Fiji has stated that arrangements have been made for giving effect in Fiji, as from 1st January 1910, to the suggestions made as regards the classification of imports "so as to secure uniformity with the classification adopted by other Colonies."	It is stated that the question of providing in the Trade Returns a summary classification by groups "is receiving attention." The latest returns (viz., for 1909) are summarised according to the classification recommended by the Trade Committee of 1891—but trade carried on with the United Kingdom, British Possessions, and Foreign Countries is not separately distinguished.
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(2) *Crown Colonies, Possessions, and Protectorates—continued.*

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be amplified.	That Imports and Exports should be summarised under Foods, &c., Raw Materials, and Manufactured Articles, &c., and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
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Falkland Islands.

Previously adopted.	—	—	—
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Nyasaland Protectorate.

The returns are compiled for years ending 31st March. [It is stated that "the Governor's Annual Report and the Protectorate Blue Book are made up for the financial year (April to March), and it is more convenient that the Trade Returns should embrace the same period."]	It is stated that "every effort is now made to show the countries of origin of imports and of the ultimate destination of exports."	The Protectorate Government consider that "the present classification of imports appears to be suitable, but it will be possible to alter the headings, should such alterations be desired. Exports are shown in detail."	Adopted. [A special return for the Calendar Year 1908 was also supplied for the special information of the Board of Trade.]
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Uganda Protectorate.

The returns are compiled for years ending 31st March, which coincides with the financial year.	—	—	Adopted in the Report on the Blue Book, but the summary is not included with the detailed returns given in the Blue Book for 1909-10.
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British East Africa Protectorate.

The returns are compiled for years ending 31st March. [It is stated that "it is more convenient for the Trade Returns to be based for the financial than the calendar year."]	A new Ordinance (No. 14 of 1910) was enacted in June 1910, which provided for new forms of entry and clearance of goods, requiring their countries of origin and ultimate destination to be recorded.	Revised import and export lists have been drawn up with an amplified classification of articles.	A summary classification of articles is not, at present, adopted. It is stated that such information could be given, but that it "would be necessary to specify the items, or much valuable information would be lost."
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Somaliland Protectorate.

The returns are compiled for years ending 31st March. [It is stated that "owing to the peculiar trade conditions of the Protectorate it would be very inconvenient, if not impracticable, to adopt the calendar year."]	It is stated that this "will be done as far as possible, though it is in many cases impossible to ascertain the countries of origin and of ultimate destination of goods."	The method of classifying imports and exports, as shown in the United Kingdom returns, will be adopted, as far as possible.	Adopted.
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(2) *Crown Colonies, Possessions, and Protectorates—continued.*

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be amplified.	That Imports and Exports should be summarised under Foods, &c., Raw Materials, and Manufactured Articles, &c., and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
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St. Helena.

Previously adopted.	—	—	—
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Southern Nigeria.

Previously adopted	Imports.—Revised forms of entry were issued under Customs' notice dated 18th June 1909, with effect from 1st January 1910, requiring the "country whence consignment originated" to be given. Exports.—As regards exports, the entry forms under the "Customs' Ordinance, 1908," require the "port or place of destination" of the goods to be shown.	Revised Import and Export Lists were issued in February 1910, laying down a detailed classification of articles to be adopted in the Trade Returns.	The Trade Returns show a detailed group classification according to that recommended by the Trade Committee of 1891, but the trade carried on with the United Kingdom, British Possessions, and Foreign Countries is not separately distinguished.
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Protectorate of Northern Nigeria.

Complete statistics are not available either as regards imports or exports. Most of the trade passes via Southern Nigeria and is included in the Returns of that Colony and Protectorate.

Gold Coast.

Previously adopted	An Ordinance (No. 12 of 1910) was passed in October 1910 empowering the Comptroller of Customs to amend the forms of entry and clearance with a view to obtaining the required information.	The Colonial Government have stated that the "headings for imports and exports have recently (April 1909) been amplified and thoroughly revised by the Comptroller of Customs." They have also pointed out that the lists of articles "are based on local requirements and are necessarily largely dictated by local conditions. They lend themselves to easy inclusion in, and comparison with, the classification used for the statistics of the United Kingdom. Tariff considerations must inevitably largely govern the lists of the several Colonies, as is the case here."	Adopted.
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[The Board of Trade had the advantage of a personal interview with the Gold Coast Comptroller-General of Customs in July 1909, regarding the suggestions laid before the Conference of 1907.]

Sierra Leone.

Previously adopted	An Order in Council (No. 4 of 1910) has been passed requiring the information to be furnished.	A revised Import List was drawn up in 1909 and has since been approved.	Adopted.
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(2) *Crown Colonies, Possessions, and Protectorates—continued.*

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be amplified.	That Imports and Exports should be summarised under Foods, &c., Raw Materials, and Manufactured Articles, &c., and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
Gambia.			
Previously adopted - -	It was stated in May 1909 that steps have been taken to "classify the imports, as far as possible, in accordance with the lines suggested." It was further stated that the ultimate destination of exports cannot be given.	The Gambia Government have stated that it is impossible to give a wider classification of articles without additional clerical assistance.	Adopted.
Bahamas.			
Previously adopted.	—	—	—
Turk's and Caicos Islands.			
Previously adopted - -	It has been stated that there would be no difficulty in adopting the suggestions, but according to the latest available Trade Returns (viz., 1909) they do not appear, as yet, to have been carried into effect.		
Jamaica.			
Adopted - - - - [The financial year was changed from a year ending March to a year ending December in 1909.]	Previously adopted, so far as possible. [As an instance, reference was made to the fact that tea shipped from the United Kingdom on through bill of lading <i>via</i> United States is classified as being imported from the United Kingdom. The Jamaican Government have been informed that if the same principle of classification is uniformly adopted in the case of all other articles imported, no alteration in the returns would appear to be necessary.]	An extended classification of articles had previously been adopted. It is stated that such classification is on the lines of the English Export List, with slight modifications on account of tariff requirements.	A summary for 1909 on the lines suggested was specially furnished to the Board of Trade for use in the "Statistical Abstract" for the British Empire, but such summary is not, at present, included in the Trade returns. The latest returns available are, however, summarised, by countries, on the lines recommended by the Trade Committee of 1891.
St. Lucia.			
Previously adopted - -	Imports. —It has been stated that the form of entry would be altered so as to show "Country of Consignment," with effect from 1st January 1910. Exports. —Also that, as regards "Countries of ultimate destination," the returns "are almost correct" at present, the shipping "facilities fitting in with" the trade to Great Britain, France, and "Canada."	It has been stated that "an endeavour will be made" to give a more amplified "classification of commodities."	Adopted.

(2) *Crown Colonies, Possessions, and Protectorates—continued.*

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be amplified.	That Imports and Exports should be summarised under Foods, &c., Raw Materials, and Manufactured Articles, &c., and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
St. Vincent.			
The financial year was changed from a year ending March to a year ending December in 1908.	Imports. —"The classification of imports according to 'countries of consignment' is now being 'carried out' (i.e., from 1st January 1910). Exports. —It has been stated "that the ultimate destination is an unknown quantity to the Customs and 'probably in many cases' to the shippers."	It has been stated that "future returns will be as 'nearly as possible according to the classification of 'imports and exports of 'the United Kingdom.'"	It was stated in 1910 that a summary classification by groups distinguishing countries "will in future" be given."
Barbados.			
Previously adopted -	An Act (No. 15 of 1910) has been passed which provides for a revised form of entry in which the "Country of origin" of the goods imported is to be stated. As regards exports, countries to which the articles are exported are given.	The various classes of "textiles" are not distinguished, but it is stated that the merchants' entries do not give these particulars separately in every case, although an endeavour has been made to secure the requisite information.	A summary for 1909 on the lines suggested was specially furnished to the Board of Trade for use in the "Statistical Abstract" for the British Empire, but such summary is not, at present, included in the Trade Returns. [The latest returns available are, however, summarised, by countries, on the lines recommended by the Trade Committee of 1891.]
Grenada.			
Previously adopted -	The Grenada Government have stated that it would be very difficult to obtain the information.	—	The summary given is on the lines recommended by the Trade Committee of 1891—the trade carried on with the United Kingdom, British Possessions, and Foreign Countries being separately distinguished from 1908 inclusive.
Leeward Islands.			
Previously adopted -	It has been pointed out that, in view of the replies furnished to the Governor by the Administrators of the several Presidencies, "it" would not appear practicable to carry out "the suggestions," as "countries of origin" of imports were not given in the invoices in all cases. A further communication has been addressed to the Colonial Government stating that the Board's wishes would be met if the imports could be classified according to countries of consignment, as originally suggested.	It has been stated that the classification could not be revised or amplified "without entailing considerable additional cost and 'labour.'"	The summary given is on the lines recommended by the Trade Committee of 1891—the trade carried on with the United Kingdom, British Possessions, and Foreign Countries being separately distinguished.

(2) *Crown Colonies, Possessions, and Protectorates—continued.*

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be amplified.	That Imports and Exports should be summarised under <i>Food, &c., Raw Materials, and Manufactured Articles, &c.</i> , and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
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Trinidad and Tobago.

The financial year was changed from a year ending March to a year ending December in 1909.	It has been stated that "new forms of entry have been approved in which provision is made for the information being supplied."	It has been stated that the "recommendations will be carried out as far as possible."	A summary for 1909 on the lines suggested was specially furnished to the Board of Trade for use in the "Statistical Abstract for the British Empire," but such summary is not, at present, included in the Trade Returns. The summary classification given in the trade returns is in accordance with that recommended by the Trade Committee of 1891, but the trade carried on with the United Kingdom, British Possessions, and Foreign countries is not separately distinguished.
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Bermuda.

Previously adopted.	—	—	—
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British Honduras.

Previously adopted	It was stated in June 1909 that the suggestion would be adopted, and that the necessary forms of entry would be amended.	It was also stated that the returns have been classified "as far as practicable in accordance with the export returns of the United Kingdom."	The summary given is on the lines recommended by the Trade Committee of 1891—the trade carried on with the United Kingdom, British Possessions, and Foreign Countries being separately distinguished from 1909 inclusive.
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British Guiana.

The Trade Returns have hitherto been compiled for years ending 31st March, but it is stated that arrangements have been made for them to be rendered for calendar years.	New forms have been issued requiring the "countries of origin" of imports and of "final destination" of exports to be shown, with effect from 1st October, 1908.	The imports are classified alphabetically in three groups:— 1. Goods imported at specific rates. 2. Goods imported at <i>ad valorem</i> rates. 3. Free goods. The exports are classified alphabetically. Both the import and export lists are fairly exhaustive.	Adopted.
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Gibraltar.

No detailed Trade Returns are available.

(2) *Crown Colonies, Possessions, and Protectorates—continued.*

Outcome of Suggestions made in the Note laid before the Imperial Conference of 1907.

That Returns should be rendered for Calendar Years.	That Countries of Consignment of Imports and of Ultimate Destination of Exports should be shown.	That the Classification of Articles should be amplified.	That Imports and Exports should be summarised under <i>Food, &c., Raw Materials, and Manufactured Articles, &c.</i> , and that the Trade with the United Kingdom, British Possessions, and Foreign Countries should be separately distinguished under each Head.
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Malta.⁶

The returns are issued for years ending 31st March.	Imports.—The returns are stated to be recorded by "Countries whence imported." [Switzerland, however, appears as a country whence articles are imported—hence "Countries of consignment" may be intended.] Exports.—Recorded by "Countries to which exported." [NOTE.—The Government of Malta were recently asked to give some indication in the Trade Returns of the system followed with regard to the countries to which imports and exports are attributed, and, in reply, they stated that the suggestion will, in future, be adopted.]	—	A summary classification is given in the Trade Returns in accordance with that recommended by the Trade Committee of 1891, but the trade carried on with the United Kingdom, British Possessions, and Foreign Countries is not separately, at present, distinguished. [NOTE.—Representations were made to the Government of Malta on behalf of the Board of Trade as to the desirability of— (1) Classifying the returns on lines similar to those adopted in the Trade Returns of the United Kingdom, and of (2) Distinguishing the trade of each group with the United Kingdom, British Possessions and Foreign Countries. The Government of Malta have replied that that the suggestions will, in future, be adopted.]
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Cyprus.

Previously adopted	It has been stated that the countries shown in the returns "as places to which goods are exported or from whence they are imported may, as regards 95 per cent. of the exports and imports, be regarded as the countries of ultimate destination or of origin."	The classification has been amplified, particularly as regards textiles.	It has been stated that a summary classification will in future be made. The Trade Returns for 1909 are summarised on the lines recommended by the Trade Committee of 1891, but the trade carried on with the United Kingdom, British Possessions, and Foreign Countries is not specially distinguished.
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Note.—The Note laid before the Imperial Conference of 1907 was not submitted to the Governments of Aden, Baluchistan, St. Helena, Malta, Gibraltar, Hong Kong, and Falkland Islands.
Prior to 1st October 1909, only *dutiable* goods were shown in the Trade Returns. From that date returns have been compiled for both "dutiable" and "free" goods—the first issue being for the six months ended 31st March 1910.

APPENDIX VI.

IMPERIAL CONFERENCE, 1911.

**RESOLUTION AS TO REGULATION OF CONDITIONS
UNDER WHICH INTERNATIONAL EXHIBITIONS SHOULD
RECEIVE OFFICIAL SUPPORT, TO BE PROPOSED
BY HIS MAJESTY'S GOVERNMENT AT THE
IMPERIAL CONFERENCE, 1911.**

RESOLUTION.

"That in view of the International Conference to be held at Berlin in 1912 with a view to the regulation of the conditions under which International Exhibitions should receive support, it is desirable that the Imperial and Dominion Governments shall consider the matter in conjunction, so as to arrange if practicable for concerted action upon this subject."

The circumstances which have led to the proposal of this Resolution are as follows :—

His Majesty's Government have been invited by the German Government to be represented at an International Conference upon Exhibitions which is to be held at Berlin next year. As will be seen from the attached programme, the principal questions proposed for discussion at this Berlin Conference are :—

The practicability of classifying all Exhibitions according to (1) the auspices under which they are promoted, and (2) their scope.

The adoption of general principles which would prevent great Exhibitions being held simultaneously or at too short intervals.

The establishment of general regulations to govern such matters as the classification of exhibits, the construction and decoration of the buildings, the transport and installation of exhibits, the composition and functions of juries, &c., &c.

The adoption of general principles relating to participation in Exhibitions held abroad.

The consideration of means for suppressing fictitious Exhibitions and fictitious awards.

His Majesty's Government consider that the usefulness of future Exhibitions will largely depend upon the proper settlement of some at least of these questions, and they have accordingly decided to be represented at the Conference.

It may be explained that a new policy has recently been inaugurated in this country with regard to International Exhibitions. A Departmental Committee was appointed by the President of the Board of Trade in 1906 to make enquiries as to the nature and extent of the benefit accruing to this country from participation in Great International Exhibitions, and as a result of the recommendations contained in the Report of that Committee a special Branch of the Commercial Department of the Board of Trade was established in 1908 to deal with all questions connected with the organisation of British Sections at any Exhibitions at which His Majesty's Government might decide to be officially represented. Under this new system, His Majesty's Government have taken part in the International Exhibitions which were held at Brussels, Buenos Aires, and Vienna in 1910, and they are taking part in the International Exhibitions at Rome and Turin which are being held this year.

From the experience which has been gained at these Exhibitions the Board of Trade are of opinion that the most important of the questions to be discussed at the Berlin Conference is that relating to the limitation in the number of great

International Exhibitions. The growing frequency with which such Exhibitions have been held in recent years, both in this country and abroad, has given rise to grave dissatisfaction among manufacturers generally, owing to the trouble and expense involved in the preparation of creditable exhibits, and although this feeling is perhaps stronger in the United Kingdom than elsewhere, there is evidence that it also exists in most of the other chief European countries.

At present there is no settled practice in the management of International Exhibitions. The organisers of such Exhibitions make their own regulations, settle the manner in which the buildings are to be erected, and make such arrangements as appear to them to be necessary for dealing with the various questions that arise from time to time.

As the question of participation in Exhibitions has usually to be decided before the detailed regulations are published, it follows that all the questions which must inevitably arise between exhibitors and the Exhibition Authorities have to be debated and settled afresh at every Exhibition by the Commissioner of each Government participating.

It is possible that the publication of an international code of regulations on the subject of Exhibitions might be advantageous from two points of view. In the first place, if the regulations were sufficiently stringent and explicit it would tend to decrease the number of Exhibitions which are constantly being held; and, secondly, it would greatly facilitate the participation of foreign countries in such International Exhibitions as might be organised in accordance with the principles agreed upon. Such a code would doubtless define the responsibilities of the organisers in providing suitable buildings and in making arrangements to facilitate the transport, customs examination, and installation of exhibits, and probably also the rights and liabilities of exhibitors, besides dealing with questions as to monopolies, police and fire service, and the granting of awards.

It is realised that the interests of the Colonies upon these and the other questions to be discussed at the Berlin Conference may not in all points coincide with those of the United Kingdom, but it seems desirable to ascertain how far concerted action is practicable, and to arrange, if possible, for an exchange of views upon this subject. If the Dominion Governments consider that these questions sufficiently affect their interests to cause them to desire to be separately represented at the Conference, His Majesty's Ambassador at Berlin will be instructed to arrange that invitations shall be issued to them with a view to their being so represented; and the suggestion is offered that, in this event, it might be desirable for a preliminary discussion to take place between the representatives of the United Kingdom and the Dominions prior to the Conference being held. If, on the other hand, the Dominion Governments do not wish to be represented, the representatives of His Majesty's Government would doubtless be prepared to take charge of their interests if furnished with full statements of the views of the Governments concerned.

Board of Trade,
March, 1911.

QUESTIONS TO BE SUBMITTED TO THE INTERNATIONAL CONFERENCE ON INTERNATIONAL EXHIBITIONS TO BE HELD AT BERLIN IN 1912.

A.—CLASSIFICATION.

I.—Is it practicable to distinguish between different kinds of Exhibitions upon the following principles:—

- (a) The auspices under which the Exhibition is promoted, and the responsibility for the issuing of invitations?
- (b) The scope of, and subjects included in, the Exhibition?

II.—Is it practicable upon the lines indicated above to classify Exhibitions as follows:—

1. "General Official Exhibitions," i.e., Exhibitions whose organisation is solely under the auspices of a Government, participation in which is invited by the Government, and which include in their scope everything that can be exhibited at an Exhibition ("Universal International Exhibition")?

Note.—Is it practicable to insist that, among Exhibitions of this nature, those alone be accorded the title of Universal International Exhibitions in which exhibitors pay no rent for the space which their exhibits occupy?

2. "Special Official Exhibitions," i.e., Exhibitions whose organisation is solely under the auspices of a Government, and participation in which is invited by the Government, but which include in their scope only certain branches of industry, science, and art?
3. "General Exhibitions under Official Recognition" and organised by public or private bodies (associations, county and municipal bodies, chambers of commerce, academies, permanent exhibition committees or committees organised "ad hoc")?
4. "Special Exhibitions under Official Recognition" and organised by the bodies mentioned in (3)?
5. "General Exhibitions organised privately?"
6. "Special Exhibitions organised privately?"

Note.—(a) Is it practicable to distinguish Exhibitions which have obtained official patronage superior to those enumerated in (3) and (4), viz.:—

"Exhibitions under Official Recognition and patronage?"

(b) What patronage is to be considered official?

III.—Is it practicable to insist upon the category to which an Exhibition belongs (according to the above classification) being expressly stated in the invitations and in the public announcements of the organisation of the Exhibition?

B.—GENERAL QUESTIONS.

I.—Is it practicable to formulate general principles which may prevent the Exhibitions referred to in paragraph II., sub-divisions (1) and (3) being held simultaneously or at too short intervals?

II.—Is it practicable, so far as privately organised Exhibitions are concerned, to accord, subject to certain conditions, any patronage not comprised in Note (b) (paragraph II.) and, in this event, to demand certain guarantees? (Paragraph II., sub-divisions 5 and 6.)

III.—Is it practicable for Governments to nominate Commissioners for unofficial Exhibitions and to limit the rights and duties of these Commissioners? (Paragraph II., sub-divisions 5 and 6.)

C.—QUESTIONS RELATING TO ORGANISATION.

Is it practicable to establish a uniform system of regulations for the organisation and promotion of Exhibitions or certain classes of Exhibitions, particularly:—

1. With regard to classification of groups, uniformity of architecture and decoration, provision of light and motive power, provision of means for loading and unloading, surveillance and insurance of exhibits, distribution, allotment and rent of space to exhibitors, &c.?
2. With regard to customs and transport facilities?
3. With regard to the composition, payment, and functions of Exhibition juries?

D.—PARTICIPATION IN EXHIBITIONS ABROAD.

Is it practicable to formulate any general principles relating to participation in Exhibitions held abroad, particularly:—

1. With regard to the conditions upon which official national sections can properly be called "National," and to the nature of their organisation?

2. With regard to the conditions upon which unofficial sections can properly be called "National," and to the nature of their organisation (especially the appointment of Commissioners)?

E.—SUPPRESSION OF ABUSES.

Is it practicable to formulate any principles with a view to the suppression of abuses in connection with an Exhibition:—

1. Exhibitions of a fictitious or trivial character?
2. Exhibition-mongers or agents?
3. Fictitious awards (awards and medals which are fictitious or have no real value)?

Following the precedent established by the International Conferences of Permanent Exhibition Committees, a discussion will be held with regard to the protection of copyright, patents, designs or industrial models, and trade marks, which figure in an Exhibition.

Supplementary Questions.

(a) Is it practicable to make Exhibitions organised by associations or individuals subject to a power of authorisation or prevention on the part of their different Governments?

(b) The same question in the case of Exhibitions organised by local bodies of a public character?

(c) Is it practicable to make regulations for the use made of medals and similar distinctions conferred on the occasion of Exhibitions, shows and competitions, or to make the grant of such distinctions subject to special and definite conditions?

CONFIDENTIAL.

APPENDIX VII.

MEMORANDUM ON THE PROTECTION OF PATENTS AND TRADE MARKS IN THE UNITED KINGDOM AND THE SELF-GOVERNING DOMINIONS.

THE PROTECTION OF PATENTS AND TRADE MARKS IN THE UNITED KINGDOM AND THE SELF-GOVERNING DOMINIONS.

The desirability of assimilating the laws of patents and trade marks in the United Kingdom and the Self-Governing Dominions was a question raised at the Conference of Colonial Premiers in 1902 and again at the Imperial Conference of 1907, and on both occasions memoranda were submitted to show the divergencies between the existing laws in the United Kingdom and those in the Dominions. It has generally been agreed that uniform legislation on these subjects should as far as possible be established, and at the Conference of 1907 a resolution was unanimously passed to the effect that the Imperial Government, after full consultation with the Self-Governing Dominions, should endeavour to provide for such uniformity as may be practicable in the granting and protection of trade marks and patents.

In March 1909, the Colonial Office sent a circular letter to all the Self-Governing Dominions enclosing statements showing the points of agreement and difference in the laws relating to patents and trade marks in force in the United Kingdom and the Self-Governing Dominions, and invited them to consider the advisability of assimilating their legislation to that of the United Kingdom and the desirability of summoning a special conference of representatives to discuss the subject in detail.

In reply to this letter the Governments of Canada, Australia and New Zealand stated that they saw no advantage in holding a special conference. In New Zealand a Bill to amend the Patents, Designs and Trade Marks Act was stated to be in preparation.

The Newfoundland Government suggested that the discussion of uniformity should be deferred until the next regular Session of the Imperial Conference.

The Transvaal Government replied that legislation was about to be introduced assimilating as far as possible the Trade Mark Law of the Transvaal to the Imperial Act of 1905, and that the draft of a Bill for consolidating and amending the existing laws with regard to patents, designs and trade marks was under consideration, but it was considered inadvisable to introduce it pending the settlement of the question of South African Union. The same considerations governed their attitude with regard to the proposed Conference.

The Governments of the Orange River Colony, Cape Colony, and Natal, also thought, for the same reason, that the consideration of the question should be deferred.

In consequence of these replies the idea of holding a special Conference was abandoned.

More recently, in view of the Conference of the International Union for the Protection of Industrial Property which is to be held next May at Washington, a circular letter has been sent to the Self-Governing Dominions inviting their attention to certain points in which a modification of the Convention has been proposed.

The present memorandum deals with the laws of patents and trade marks in the Self-Governing Dominions, and contains an account of the International Convention for the Protection of Industrial Property, and the provisions, which have been inserted in some of the Colonial Patent Laws, giving privileges to foreign patentees or providing for the contingency of the Colonies in which they are in force joining the Union. As the Government of the Union of South Africa has not yet introduced new legislation for patents and trade marks, the four self-governing Colonies of the Cape of Good Hope, Natal, the Transvaal and the Orange River Colony, which have become Provinces of the Union, still retain their own laws, and are accordingly treated separately in this memorandum.

Among recent attempts to bring Colonial legislation into harmony with Imperial legislation, attention may be specially called to the new Patent Law of Australia, which is dealt with in detail below.

The Laws relating to patents and trade marks now in force in the United Kingdom and the Self-Governing Dominions are shown in the following list:—

United Kingdom	7 Edw. 7, c. 29...	Patents and Designs Act, 1907.
	8 Edw. 7, c. 4...	Patents and Designs Act, 1908.
	5 Edw. 7, c. 15...	Trade Marks Act, 1905.
Canada	1906, Revised Statutes	
	c. 69...	The Patent Act.
	c. 71...	The Trade Mark and Design Act.
Newfoundland	1892, Consolidated Statutes, Second Series,	Of Patents.
	c. 109	
	1902, No. 2	Patents Amendment Act.
	1892, Consolidated Statutes, Second Series,	Of Trade Marks and the Registration thereof.
	c. 112	
Australia	1903, No. 21	The Patents Act, 1903—9.
	1906, No. 19	
	1909, No. 17	
	1905, No. 20	
New Zealand	1908, No. 140	Trade Marks Act.
Cape Colony	1860, No. 17	Patents, Designs and Trade Marks Act, 1908.
	1904, No. 28	Patents Act.
	1877, No. 22	Patents Amendment Act.
	1895, No. 12	Trade Marks Registration Act.
Natal...	1870, No. 4	Trade Marks Registration Amendment Act.
	1871, No. 5	Patent Law.
	1884, No. 32	Patent Amendment Law.
	1895, No. 2	
	1885, No. 4	Trade Mark Registration Law.
Transvaal	1902, No. 22	Patents Proclamation.
	1902, No. 29	Patents Amendment Proclamation.
	1907, No. 28	Patents Amendment Act.
	1909, No. 15	List of Fees.
	1902, No. 23	Trade Marks Registration Proclamation.
	1904, No. 3	Trade Marks Registration Amendment Ordinance.
Orange River Colony	1906, Statute Laws, c. 112	The Patent Law.
	1893, No. 13	Trade Mark Amendment Law.
	1906, Statute Laws, c. 113	The Registration of Trade Marks.

I.—PATENTS.

NUMBER OF COLONIAL PATENTS GRANTED.

The following table will give some indication of the extent of the patent business transacted in the year 1909 in the Colonies to which this memorandum relates.

Name of Colony.	Number of Patents Issued.
Canada	7,112
Newfoundland	14
Australia	1,269
New Zealand	632
Cape Colony	187
Natal	172
Transvaal	311
Orange River Colony	66
Total	9,813

The number of patents issued in the United Kingdom in 1909 was 15,065.

It is shown by the above table that the majority of the patents issued in the Self-Governing Dominions are granted in Canada, and that the number granted in any one year in these Colonies amounts to considerably more than half of the number granted in the United Kingdom. On the other hand, it should be borne in mind that an invention patented in the United Kingdom is frequently patented also in more than one Colony.

WHO MAY OBTAIN PATENTS.

The main points of difference arising in this branch of the Patent Law are (1) whether an inventor may assign or bequeath his right to obtain a patent for his invention; and (2) whether a person, who is not the inventor in the ordinary sense of the term, but who is the first to introduce the invention from abroad, should be allowed to obtain a patent for it, in disregard of the rights of the real inventor, or his assignee.

In the United Kingdom a patent may be granted to one or more applicants. Every application must contain a declaration to the effect that the applicant or applicants is or are in the possession of an invention whereof he, or, in the case of a joint application, one or more of the applicants, claims or claim to be the true and first inventor or inventors.

If an inventor dies before applying for a patent, the patent may be obtained by his legal representative.

If an applicant dies before the expiration of fifteen months from the date of application, the patent may be granted to his legal representative at any time within twelve months after the death of the applicant.

Any person to whom an invention has been communicated from abroad, and who declares that to the best of his knowledge and belief the invention is not in use in the United Kingdom by any other person or persons, is regarded as the true and first inventor within this country.

In Canada a patent may be obtained by the inventor, or, in the event of the death of the inventor, by his assignee or legal representative.

In Newfoundland, before any person can obtain a patent he must "make oath, in writing, that he doth verily believe that he is the inventor or discoverer of the art, machine, composition of matter, or improvement for which he solicits letters patent."

In Australia the applicant for a patent may be—

- (a) The actual inventor; or
- (b) His assignee, agent, attorney, or nominee; or
- (c) The actual inventor or his nominee jointly with the assignee of a part interest in the invention; or
- (d) The legal representative of a deceased actual inventor or of his assignee; or
- (e) Any person to whom the invention has been communicated by the actual inventor, his legal representative or assignee (if the actual inventor, his legal representative or assignee, is not resident in the Commonwealth).

The Australian Act prescribes that the term "actual inventor" does not include a person importing an invention from abroad.

In New Zealand, one or more of the applicants for a patent must be the true and first inventor, and the Act prescribes that the true and first inventor "means the person who is the actual inventor of an invention, or his nominee or assignee, but does not include the unauthorised importer of an invention from any place outside the Colony." An application may be made by the legal representative of the inventor within six months of his death.

In Cape Colony and Natal, a patent may be granted to the true and first inventor; or, if he dies within six months from the date of the application for the patent, to his executors within such six months or at any time within three months from his death.

In the Transvaal one or more of the applicants must be the true and first inventor or his legal representative, and an application by the legal representative must be made within twelve months of the decease of the true and first inventor.

In the Orange River Colony the law in this respect is the same as in the Transvaal with the exception that the application by the legal representative of

a deceased inventor must be made within six months from the death of the inventor. If an applicant dies within six months from the date of application letters patent may be granted to his lawful successors within such six months or at any time within three months from his death.

WHAT INVENTIONS ARE PATENTABLE.

(a) Definition of "Invention."

The differences as regards the definition of "invention" are not very material. Most of the Colonies, by a reference to the Statute of Monopolies, adopt the principles of the law of the United Kingdom.

In the Patent Acts of Australia and New Zealand the definition of "invention" is the same as in our own Act, i.e., "invention" means any manner of new manufacture the subject of letters patent and grant of privilege within section 6 of the Statute of Monopolies, and includes an alleged invention. No patent is granted for an invention the use of which would be contrary to law or morality.

In the Canadian Patent Act "invention" is defined as meaning "any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement in any art, machine, manufacture, or composition of matter." No Canadian patent may issue which has an illicit object in view, or for any mere scientific principle or abstract theorem.

Similar provisions to those in the Canadian definition are to be found in the Newfoundland Patent Act.

In the Patent Acts of Cape Colony and Natal "invention" has the same meaning as in our old Act of 1852 (15 & 16 Vict., c. 83). The definition of "invention" in that Act was "any manner of new manufacture the subject of Letters Patent and grant of privilege within the meaning of the Act of the 21st year of the Reign of King James I., chapter 3," (commonly known as the Statute of Monopolies).

In the Patent Act of the Transvaal "invention" is defined as "any new and useful art, process, machine, manufacture or composition of matter or any new and useful improvement thereof capable of being used or applied in trade or industry." No patent will be issued for an invention the use of which is contrary to law, public order, or good morals.

In the Orange River Colony a patent may be granted for "any new industrial invention capable of being exploited as a subject of trade or industry." No patent is granted which is contrary to law, good morals or order.

(b) Qualifying provisions as to novelty.

The above definitions of "invention" are in some cases explained or qualified by further provisions.

Under the Canadian Patent Act the invention must not have been in public use or on sale with the consent or allowance of the inventor, for more than one year previously to his application for a patent, and any inventor who elects to obtain a patent for his invention in any foreign country before obtaining a patent for the same invention in Canada, can only obtain a patent in Canada, if the same be applied for within one year from the date of the issue of the first foreign patent for the invention.

The applicant for a patent in Newfoundland is required to "make oath in writing" that the invention "hath not to the best of his knowledge or belief, been known or used in this Colony, or in any other country," but he will not be deprived of his right to a patent by reason of his having previously taken out Letters Patent for the invention in another country, if "such invention shall not have been introduced into public and common use in this Colony prior to the application for a patent therein."

In the Transvaal an invention must not have been known or used by others in the Colony or patented or described in any printed publication in the Colony or any foreign country before the application for a patent in respect of the same, or in public use or on sale in the Colony or any foreign country for more than two years prior to such application unless the same is proved to have been abandoned.

Provisions as to the exhibition of unpatented inventions within a limited period exist in Australia, New Zealand, Cape Colony, the Transvaal, and the Orange River Colony.

EXAMINATION FOR NOVELTY.

In the United Kingdom, when a complete specification has been deposited on an application, the examiner must ascertain "whether the invention claimed has been wholly or in part claimed or described in any specification (other than a provisional specification not followed by a complete specification) published before the date of the application and deposited pursuant to any application for a patent made in the United Kingdom within fifty years next before the date of the application."

If the invention has been wholly or in part claimed or described in any such specification, and the applicant does not remove the objection by amending the specification to the satisfaction of the Comptroller, the Comptroller, after hearing the applicant, must determine whether a reference to any and, if so, what prior specifications ought to be made in the specification by way of notice to the public, and if he is satisfied that the invention claimed has been wholly and specifically claimed in any specification to which the official investigation has extended, he may, in lieu of requiring such references to be made, refuse to grant a patent.

An appeal lies from the decision of the Comptroller to the Law Officer.

This official investigation as to prior patenting has now been extended to specifications deposited pursuant to prior applications, but published after the date of the applications in respect of which the investigation is made. In these cases the applicants are afforded facilities for amending their specifications, so as to avoid any anticipating specifications that may be brought to light by the extended investigation; and in the event of their failing to make the necessary amendments, the Comptroller may, subject to an appeal to the Law Officer, determine what references, if any, to other specifications ought to be made in the specification by way of notice to the public.

In Canada, on every application for a patent, a thorough and reliable examination is required by law to be made by competent examiners employed in the Patent Office for that purpose.

The Commissioner may object to grant a patent in any of the following cases:—

- (a) When he is of opinion that the alleged invention is not patentable in law;
- (b) When it appears to him that the invention is already in the possession of the public, with the consent or allowance of the inventor;
- (c) When it appears to him that there is no novelty in the invention;
- (d) When it appears to him that the invention has been described in a book or other printed publication before the date of the application, or is otherwise in the possession of the public;
- (e) When it appears to him that the invention has already been patented in Canada, unless the Commissioner has doubts as to whether the patentee or the applicant is the first inventor;
- (f) When it appears to him that the invention has already been patented in a foreign country, and the year has not expired within which the foreign patentee may apply for a patent in Canada, unless the Commissioner has doubts as to whether the foreign patentee or the applicant is the first inventor.

Whenever the Commissioner objects to grant a patent in any of the above cases, he must notify to the applicant the ground or reason therefor with sufficient detail to enable him to answer the objection if he can. An appeal lies from the Commissioner's decision to the Governor in Council.

In New Zealand the Registrar of Patents may refuse to grant a patent for any alleged invention which he knows is not new, after giving the applicant an opportunity of being heard personally or by his agent. Provision is made for examination as to interference between concurrent applications.

In Australia the examiner must:—

- (a) Ascertain and report whether to the best of his knowledge the invention is already patented in the Commonwealth or in any State or is already the subject of any prior application for a patent in the Commonwealth or in any State;
- (b) Report whether to the best of his knowledge the invention is or is not novel.

If the examiner reports adversely to the complete specification the Commissioner may either—

- (1) Accept the application and specification on condition that a reference to such prior specifications as he thinks fit be made thereon by way of notice to the public; or
- (2) Refuse to accept the application and specification.

An appeal from the Commissioner's decision lies to the High Court or the Supreme Court.

In the Transvaal provision is made for examination as to interference between concurrent applications.

CAVEATS.

In Canada any intending applicant who has not perfected his invention, and is in fear of being despoiled of his idea, may file in the Patent Office a description of his invention so far, with or without plans at his own will; and the Commissioner, on payment of the prescribed fee, is required to cause the document, which is called a caveat, to be preserved in secrecy, with the exception of delivering copies of the same whenever required by the said applicant or by any judicial tribunal; but the secrecy of the document is to cease when the applicant obtains a patent for the invention. If the application be made by any other person for a patent for any invention with which such caveat may in any respect interfere, the Commissioner is required to give notice by mail of such application to the person who has filed the caveat, and such last-mentioned person must within three months from the date of mailing such notice, if he wishes to avail himself of his caveat, file his petition and take the other steps necessary on an application for a patent; and if in the opinion of the Commissioner the applications are conflicting, they will be referred to arbitration. Unless the person filing a caveat makes application within one year from the filing thereof for a patent the Commissioner is relieved from the obligation of giving notice, and the caveat then remains as a simple matter of proof as to novelty or priority of invention if required.

The above provisions relating to "Caveats" have been taken from the Patent Law of the United States, but the Commissioners appointed in 1898 to revise the statutes relating to patents, trade and other marks, and trade and commercial names, on page 23 of their report say that they are clearly of opinion that the statute providing for the filing of caveats should be repealed. The reasons which have led them to this conclusion are set out in the following passage on page 22 of their Report, viz.:—"The very general opinion of those most familiar with patent practice as expressed to us, is that the caveat is practically of no use to inventors. Many attorneys of long experience in patent matters have assured us that they always advise their clients not to file caveats. The preparation of a caveat, if it be prepared with care and skill, involves considerable expense, hardly less than the preparation of an application. The filing of a caveat necessarily implies the subsequent filing of an application, with the result that the inventor is put to practically a double expense without practical advantage.

"If foreigners are permitted to file caveats, as it would seem must be done if our citizens are permitted to do so, the result will be the introduction of a class of evidence which has always been considered open to very serious objection, and has never been permitted to be introduced in any proceeding before the Patent Office, or before the courts in patent matters—namely, evidence of acts performed in a foreign country. If foreigners are permitted to establish conception of an invention in a foreign country by filing a caveat—and a caveat has practically no other effect than that of establishing conception of the invention described therein on the date on which it was filed—it would seem to be necessary to permit evidence to be introduced of the reduction of the invention to practice, as by construction of a machine, in the foreign country."

APPLICATIONS FOR PATENTS.

In the United Kingdom, every application for a patent must be accompanied by either a provisional or complete specification. A provisional specification must describe the nature of the invention, and a complete specification must not only particularly describe the nature of the invention but also the manner in which the same is to be performed. Where the applicant does not leave a complete specification with his application he must leave a complete specification within seven months

at the latest from the date of his application and if he fails to do so, the application will be deemed to be abandoned.

Where an application for a patent has been accepted, the invention sought to be patented may, during the period between the date of the application and the date of sealing such patent, be used and published without prejudice to the patent to be granted for such invention. This protection from the consequences of use and publication is termed provisional protection. Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has thereby obtained concurrent provisional protection for the same, and the Comptroller is of opinion that the whole of such inventions are such as to constitute a single invention and may be properly included in the patent, he may accept one complete specification in respect of the whole of such applications and grant a single patent thereon, bearing the date of the earliest of such applications; but in considering the validity of the patent and for the purpose of statutory provisions with respect to oppositions to the grant of patents, the Court or the Comptroller as the case may be is to have regard to the respective dates of the provisional specifications relating to the several matters contained in the complete specification.

With the object of checking applications for speculative patents for alleged inventions, based only on chemical theories, and not submitted to the test of experiment, typical samples and specimens are, in any particular case where the Comptroller considers it desirable, required to be furnished in connection with applications for patents for chemical inventions before the acceptance of the complete specification.

Where the Examiner reports disconformity between the provisional and complete specifications, the Comptroller may, with the consent of the applicant, cancel the provisional specification and treat the application as made on the date on which the complete specification was left at the Patent Office. After the acceptance of a complete specification, and until the date of the sealing of a patent in respect thereof, or the expiration of the time for sealing, the applicant has the like privileges and rights, as if a patent for the invention had been sealed on the date of the acceptance of the complete specification, with this exception that he may not institute any proceeding for infringement until a patent for the invention has been granted to him.

In Newfoundland every applicant for a patent is required with his petition to deliver into the office of the Colonial Secretary "a written description of his invention, and of the manner of using or process of compounding the same," in accordance with the detailed instructions contained in the Act; and after the expiration of one week, and until the expiration of six months from the date of the delivery of this description, the applicant has the like privileges and rights as if a patent had been sealed to him on the date of such delivery.

In Australia, New Zealand, and the Transvaal, the law relating to provisional and complete specifications resembles that of the United Kingdom (1) in leaving it to the option of the applicant whether his application shall be accompanied with a provisional or a complete specification; (2) in the provisional protection which, after the acceptance of an application, is accorded to him during the period before the date of the application and the sealing of the Patent; and (3) in the privileges and rights granted to him during the interval between the acceptance of the complete specification and the sealing of the patent or the expiration of the time for sealing. In all these Colonies the normal time allowed for leaving the complete specification is nine months, whereas the normal time allowed in the United Kingdom is six months. This time may be extended, on payment of the prescribed fee, by one month in Australia and New Zealand. The Australian law also contains a provision similar to that in the law of the United Kingdom whereby one complete specification may be filed in respect of two or more provisional specifications for inventions which are cognate or modifications one of the other.

In the Orange River Colony the time allowed for leaving the complete specification is limited to six months, at the expiration of which the term of provisional protection expires.

In Natal every applicant has also the option of selecting whether he will deposit a provisional or a complete specification with his application. In either case his invention obtains provisional protection for six months from the date of the deposit; and if no complete specification is deposited within eight weeks at least before the expiration of the term of provisional protection, the application will be deemed to be abandoned. Extension of this time, for what appears to be an indefinite period

at the discretion of the Attorney-General, is allowed. If the specification is deposited in fraud of the true and first inventor, any patent granted to such inventor will not be invalidated by it, or by any use or publication of the invention during the term of provisional protection.

In Cape Colony, a specification must be deposited with the application; and the invention obtains similar provisional protection for six months, during which period, in case the title of the invention or the specification is too large or insufficient, the Attorney-General may before the grant of a patent allow or require the specification to be amended, or another and sufficient specification to be deposited, which will have the same force, effect, and operation as if it had been originally deposited in its amended state. The specification originally filed is required particularly to describe and ascertain the nature of the invention, and in what manner the same is to be performed.

OPPOSITION TO THE GRANT OF PATENTS.

(a) *Grounds of Opposition.*

In the United Kingdom and all the Self-Governing Dominions, except Newfoundland, provision is made for opposition by persons interested to the grant of a patent. The grounds of opposition vary greatly, and in some of the Colonies include prior publication, prior user, or possession by the public.

In the United Kingdom there are four grounds on which the grant of a patent may be opposed by persons interested; (a) that the applicant has obtained the patent from the opponent or from a person of whom the opponent is the legal representative; (b) that the invention has been claimed in any complete specification for a British patent, which is or will be of prior date to the patent the grant of which is opposed, other than a specification deposited pursuant to an application made more than fifty years before the date of the application for such last mentioned patent; (c) that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the complete specification; and (d) that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification.

In Canada the only cases in which the grant of a patent can be opposed by persons interested are apparently those of conflicting applications.

In Newfoundland there seems to be no machinery provided by which the grant of a patent can be opposed by persons interested.

In Australia the grant of a patent may be opposed on the following grounds:—

- (a) That the applicant has obtained the invention from the opponent or from a person of whom he is the legal representative or assignee or nominee.
- (b) That the invention has not been communicated to the applicant by the actual inventor, his legal representative or assignee (if the actual inventor, his legal representatives or assignee is not resident in the Commonwealth).
- (c) That the invention has been patented in the Commonwealth on an application of prior date or has been patented in a State.
- (d) That the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification.
- (e) That the invention is not novel or has been already in possession of the public with the consent or allowance of the inventor.
- (f) That the invention has been described in a book or other printed publication published in the Commonwealth before the date of the application or is otherwise in the possession of the public.

In New Zealand, Cape Colony, Natal, and the Orange River Colony there are apparently no limitations to the grounds of opposition.

In the Transvaal the grounds of opposition are:—

- (a) That the invention has been fraudulently obtained to the prejudice of another's rights;
- (b) That the person represented as being the true and first inventor is not such;
- (c) That the invention is not new;

- (d) That the invention is not capable of being patented in terms of the Patent Ordinance;
- (e) That the complete specification or the provisional specification has reference to the theoretical principles, hypotheses, methods, systems, discoveries, or conceptions the manner of applying or using which is not set out;
- (f) That the complete specification or the provisional specification is not sufficient, *i.e.*, that mention of a part of the invention has been omitted or that it has been insufficiently explained;
- (g) That the invention or the application of the same is contrary to law, public order or good morals;
- (h) That the title of the invention fraudulently sets forth another than the true subject-matter of the invention;
- (i) That the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the objector in the interval between the leaving of the provisional and the leaving of the complete specification.

(b) *Hearing of Oppositions.*

In the United Kingdom oppositions to the grant of patents are heard and decided by the Comptroller-General of Patents, or his deputy, with an appeal from his decision to the Law Officer.

In Canada, conflicting applications are submitted to three skilled arbitrators, two of whom are chosen by the applicants and the third by the Commissioner or his deputy. The decision or award of these, or any two or them, delivered to the Commissioner in writing and subscribed by them, or any two or them, is final, as far as concerns the granting of the patent.

In Australia the Commissioner of Patents hears the opposition, and an appeal lies to the High Court of the Supreme Court.

In New Zealand the opposition is heard and decided by the Registrar of Patents, subject to an appeal to the Supreme Court.

In Cape Colony, Natal, and the Orange River Colony objections to the grant of patents are heard by the Attorney-General.

In the Transvaal objections are heard by a judge of the Supreme Court.

DURATION OF PATENTS.

In the United Kingdom and in all the Dominions to which this memorandum relates, with the exception of Canada, the duration of a patent, other than a patent of addition, unless it be extended in accordance with special statutory provisions, is limited to fourteen years. In Canada it is eighteen years. Extensions of these periods may, under special circumstances, be granted in the following Colonies, *viz.* :—Australia, New Zealand, Cape Colony, Natal, the Transvaal, and the Orange River Colony for a period not exceeding fourteen years; and in Newfoundland for a period not exceeding seven years. In the majority of these cases the patentee can only obtain the extension when he can prove that he has been unable to obtain a due remuneration for the expense and labour of perfecting the invention, and that an exclusive right of using and vending the invention for a further period is necessary for his adequate remuneration. In Newfoundland, Cape Colony, Natal, and the Orange River Colony the patent expires with the first foreign patent, an arrangement which is at variance with the new clause inserted in the International Convention by the Additional Act of the 14th of December, 1900, to which reference is made on page 27 of this memorandum.*

PATENTS OF ADDITION.

Where a patent for an invention has been applied for or granted and the applicant or patentee, as the case may be, applies for a further patent in respect of any improvement or modification of the invention, he may obtain a patent of addition, which will remain in force so long only as the patent for the original invention remains in force. The advantage of these patents of addition is that no renewal fees are payable in respect of them.

Similar patents may be obtained in Australia and Newfoundland. In Australia the fee for an additional patent is half the fee for an ordinary patent.

PATENT FEES.

In the United Kingdom the fees charged by the State for a patent which will continue in force for four years from the date of the application amount to £5. If the patentee desires his patent to continue in force after the expiration of the four years he must pay renewal fees of £5 for the fifth year, £6 for the sixth year, and so on to £14 for the fourteenth year. If a patent be kept in force for the full period of fourteen years, the total patent fees will amount to £100. The patent fees charged in the Colonies are considerably lower than this. In most of the Colonies the system of renewal fees in vogue in the United Kingdom prevails, but the intervals at which these fees are payable are longer than in the United Kingdom. Thus, in Canada £4 is payable on the application, a second £4 before the end of the sixth year, and a third £4 before the end of the twelfth year, making £12 in all. The following table gives the details of these fees in the several Self-governing Colonies :—

Canada	...	...	Application	...	...	...	20	dollars.
			Renewal Fee—					
			Before end of 6th year	...	...	...	20	"
			Before end of 12th year	...	...	...	20	"
			Total	...	...	...	60	dollars.
Newfoundland	...	...	Patent	...	...	...	25	dollars.
			In addition to ordinary fee for documents under Great Seal of Colony.					
							£	s. d.
Australia	...	...	Application	...	...	...	1	0 0
			Complete specification	...	...	...	2	0 0
			Grant of patent	...	...	...	5	0 0
			Renewal Fee—					
			Before end of 7th year	...	...	...	5	0 0
			Total	...	...	...	£13	0 0
New Zealand	...	...	Application	...	...	...	0	10 0
			Complete specification	...	...	...	0	10 0
			Grant of patent	...	...	...	2	0 0
			Renewal Fee—					
			Before end of 4th year	...	...	...	5	0 0
			Before end of 7th year	...	...	...	10	0 0
			Total	...	...	...	£18	0 0
Cape Colony	...	...	Application	...	...	...	2	10 0
			Attorney-General's "Appointment"	...	...	...	2	4 6
			Grant of patent	...	...	...	2	10 0
			Renewal Fee—					
			Before end of 3rd year	...	...	...	10	0 0
			Before end of 7th year	...	...	...	20	0 0
			Total	...	...	...	£37	4 6
Natal	...	...	Deposit of provisional specification	...	...	...	1	1 0
			Notice to proceed	...	...	...	0	5 0
			Attorney-General's "Appointment"	...	...	...	1	1 0
			Attorney-General's warrant	...	...	...	1	1 0
			Complete specification	...	...	...	1	1 0
			Grant of patent	...	...	...	1	10 0
			Renewal Fee—					
			Before end of 3rd year	...	...	...	5	0 0
			Before end of 7th year	...	...	...	10	0 0
			Total	...	...	...	£20	19 0

* p. cxxxiv. of this Appendix.

		£	s.	d.
Transvaal ...	Application ...	1	0	0
	Complete specification ...	3	0	0
	Renewal Fee—			
	Before end of 3rd year ...	2	0	0
	Before end of 4th year ...	2	10	0
	Before end of 5th year ...	3	0	0
	Before end of 6th year ...	3	10	0
	Before end of 7th year ...	4	0	0
	Before end of 8th year ...	4	10	0
	Before end of 9th year ...	5	0	0
	Before end of 10th year ...	5	10	0
	Before end of 11th year ...	6	0	0
	Before end of 12th year ...	6	10	0
	Before end of 13th year ...	7	0	0
Total ...		£53	10	0
Orange River Colony	Application ...	1	1	0
	Notice to proceed ...	0	5	0
	Notice appointing hearing ...	1	1	0
	Certificate for issue of Letters patent ...	1	1	0
	Grant of patent (Attorney-General) ...	1	10	0
		From		
	Grant of patent (State President) ...	10	0	0
		to		
		50	0	0
	Renewal Fee—			
	Before end of 3rd year ...	5	0	0
	Before end of 7th year ...	10	0	0
Total ...		From £29	18	0
		to		
		69	18	0

FORFEITURE OF PATENTS FOR NON-WORKING.

An important change in the law has been made by Section 27 of the Patents and Designs Act, 1907, which provides that at any time not less than four years after the date of a patent and not less than one year after the passing of this Act, any person may apply to the Comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom.

If after enquiry the Comptroller is satisfied that the allegations contained in the application are correct, then, unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, he may make an order revoking the patent either—

(a) forthwith; or

(b) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent.

Any decision of the Comptroller under this section is subject to appeal to the Court. No order may be made under it which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession.

The Australian Law of 1909 also contains provisions with regard to non-working, but they are somewhat different in character. Section 87A of this Act provides that at any time not less than four years after the date of a patent and not less than two years after the commencement of this section, any person may apply to the High Court or the Supreme Court for an order declaring that the patented article or process is not manufactured or carried on to an adequate extent in the

Commonwealth. When such an order takes effect, the patent is not deemed to be infringed by the manufacture or sale of the patented article within the Commonwealth. If, however, at any time after making an order, the Court is satisfied that the patented article is not manufactured in the Commonwealth by any other person than the patentee, and that the patentee is manufacturing it to an adequate extent in the Commonwealth, it may revoke the order. The Court, at its discretion, instead of making such an order, may order the patentee to grant a compulsory licence to the applicant on such terms as the Court thinks just.

In Canada patents become null and void at the end of two years from the date thereof, unless the patentee or his legal representatives or his assignee within that time, or any authorised extension thereof, commence and after such commencement continuously carry on in Canada the construction or manufacture of the patented invention in such a manner that any person desiring to use it may obtain it, or cause it to be made for him at a reasonable price at some manufactory or establishment for making or constructing it in Canada. This period of two years may be extended at any time not more than three months before its expiration by the Commissioner of Patents on its being proved to his satisfaction that the patentee was, for reasons beyond his control, prevented from complying with the above condition. Any question as to whether a patent has become void under these provisions may be adjudicated upon by the Exchequer Court of Canada upon information in the name of the Attorney-General of Canada, or at the suit of any person interested.

Any patent in Newfoundland which has not been brought into operation within two years from the date thereof becomes void at the end of that period.

Patents cannot be forfeited for non-working in any of the other Colonies to which this memorandum relates.

FORFEITURE OF PATENTS WHEN PATENTED GOODS ARE IMPORTED.

The only Dominion in which it has been considered necessary to forfeit a patent by reason of the importation of the patented goods, or to place any special prohibition on the importation of patented goods, as such, is Canada, which is, of course, very exceptionally situated by reason of its propinquity to the United States, the most inventive country in the world. In Canada, if after the expiration of twelve months from the granting of a patent, or any extension of such period, not exceeding one year, which may be authorised by the Commissioner of Patents on satisfactory cause being shown at some time within three months of the expiry of the period, the patentee, or any of his representatives or assignees, imports or causes to be imported into Canada the inventions for which the patent has been granted, the patent becomes void as to the interests of the importer.

COMPULSORY LICENCES.

The law relating to compulsory licences in the United Kingdom is as follows:—

(1) Any person interested may present a petition to the Board of Trade alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory licence, or, in the alternative, for the revocation of the patent.

(2) If the parties do not come to an arrangement between themselves the Board of Trade, if satisfied that a *prima facie* [case] has been made out, must refer the petition to the court, and, if the Board are not so satisfied, they may dismiss the petition.

(3) Where any such petition is referred by the Board of Trade to the Court, and it is proved to the satisfaction of the Court that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by the Court to grant licences on such terms as the Court may think just, or, if the Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences, the patent may be revoked by order of the Court, after the expiration of three years from the date of the patent, if the patentee fails to give satisfactory reasons for his default.

(4) For the purpose of the above provisions the reasonable requirements of the public are not to be deemed to have been satisfied:—

(a) If by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry

on the patented process to an adequate extent or to grant licences on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry in the United Kingdom is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or

- (b) If any trade or industry in the United Kingdom is unfairly prejudiced by the conditions attached by the patentee before or after the passing of this Act to the purchase, hire, or use of the patented article or to the using or working of the patented process.

The Australian law contains provision for the granting of compulsory licences corresponding to those in the law of the United Kingdom, except that the Commissioner of Patents is substituted for the Board of Trade, and the petition may not be presented until after the expiration of two years from the granting of the patent. Compulsory licences can also be granted in lieu of an order of the Court declaring that the patented article or process is not manufactured or carried on to an adequate extent in the Commonwealth. See under "Forfeiture of Patents for Non-Working," (page cxii.).

In Canada, New Zealand, the Transvaal, and the Orange River Colony, if it is proved that by reason of the default of a patentee to grant licences on reasonable terms (1) the patent is not being worked in the Colony; or (2) the reasonable requirements of the public with respect to the invention cannot be supplied; or (3) any person is prevented from working or using to the best advantage an invention of which he is possessed, the Governor may require the patentee to grant licences on such terms as having regard to the nature of the invention and the circumstances of the case he may think just.

In Canada, on the application by the applicant for a patent previous to the issue of the patent or within six months after the issue of the patent, the Commissioner, having regard to the nature of the invention, may order that such patent shall be subject to the provisions as to compulsory licences instead of to the provisions as to forfeiture for non-working. If the owner of the patent refuses to comply with the order for a compulsory licence within three months the patent becomes null and void.

In the remainder of the Colonies, to which this memorandum relates, it has not been thought necessary to pass any legislation for the grant of compulsory licences.

REVOCATION OF PATENTS FOR OTHER CAUSES THAN NON-WORKING.

By section 26 of the Patents and Designs Act, 1907, the Comptroller is enabled within two years from the date of any patent to revoke the patent, or require the specification relating thereto to be amended by disclaimer, correction or explanation, on the application of any person who would have been entitled to oppose the grant of the patent, or who is the successor in interest of a person so entitled, on any one or more of the grounds on which the grant of the patent might have been opposed. No similar provision is contained in the Patent Laws of any of the Self-Governing Dominions. Every decision of the Comptroller under this section is subject to an appeal to the Court.

The revocation of a patent may also be obtained on petition to the Court on any ground on which a patent may be revoked by the Comptroller, or as an alternative to the grant of a compulsory licence or on any ground on which a patent might have been repealed by *scire facias* prior to the 1st of January, 1884.

The most important of the last-mentioned grounds are that the patentee is not the true and first inventor, that the alleged invention is not new or useful, or proper subject for a patent, or a manner of manufacture within the meaning of the Statute of Monopolies, that the grant is mischievous to the State, or hurtful to trade, or generally inconvenient or prejudicial, that the specification contains material false statements or does not sufficiently distinguish the invention claimed, or sufficiently describe how it is to be put into practice, or that there is disconformity between the complete specification and the provisional specification.

In Australia, New Zealand, the Transvaal, and the Orange River Colony, patents may be revoked by the Courts on any of the last-mentioned grounds.

In Canada a writ of "*scire facias*" and in Cape Colony and Natal a writ of the Supreme Court in the nature of a writ of "*scire facias*" may issue for the repeal of any patent, presumably on any of the above grounds.

In Newfoundland a patent becomes null and void, if in an action for infringement a verdict is returned and judgment entered for the defendant on proof that the specification filed by the plaintiff does not contain the whole truth relative to the invention or discovery therein alleged to have been made by the plaintiff, or that it contains more than is necessary to produce the described effect (which concealment or addition appears to have been made for the purpose of deceiving the public), or that the thing, invention or discovery thus secured by letters patent was not originally discovered by the patentee, but had been in use or had been described in some public work anterior to the supposed invention or discovery of the patentee, or that he had surreptitiously obtained letters patent for the invention or discovery of some other person.

SURRENDER OF PATENTS.

In the United Kingdom and in Australia a patentee may at any time, by giving notice in the prescribed manner to the Comptroller or the Commissioner, offer to surrender his patent, and the Comptroller or Commissioner may, after giving notice and hearing all parties who desire to be heard, accept the offer and thereupon make an order for the revocation of the patent. In the United Kingdom the decision of the Comptroller is subject to an appeal to the Court.

IMPROPER CONDITIONS IMPOSED BY PATENTEES.

Section 38 of the Patents and Designs Act, 1907, contains provisions prohibiting the insertion in any contract relating to the sale, or lease, or licence to use or work any patented article or process, conditions, the effect of which will be:—

- (a) To prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any other person than the seller, lessor, or licensor, or his nominees; or
- (b) To require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of article not protected by the patent.

Any such conditions are declared by the Act to be null and void, as being in restraint of trade and contrary to public policy. This prohibition does not, however, apply if:—

- (i.) The seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without the above conditions; and
- (ii.) The contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months' notice in writing and on payment in compensation for such relief in the case of a purchase of such sum, or in the case of a lease or licence of such rent or royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Board of Trade.

The same section enables any of the contracts relating to patented articles or patented processes, whether made before or after the passing of the Act, to be determined at the option of either party at any time after the patent, or all the patents by which the article or process was protected at the time of making the contract, has or have ceased to be in force, the party determining the contract being liable to pay such compensation as may be awarded by an arbitrator appointed by the Board of Trade.

Similar provisions have now been incorporated in the law of Australia; except that the arbitrator is appointed by the "Minister" instead of by the Board of Trade.

RESTORATION OF LAPSED PATENTS.

In the United Kingdom and in Australia when any patent has become void from the failure of the patentee to pay any fees within the prescribed time, the patent may be restored by the Comptroller or the Commissioner if it can be shown that the omission was unintentional, and no undue delay has occurred in applying for the restoration. The order restoring the patent may not, however, be made until the application for restoration has been advertised in the prescribed manner.

and persons interested have had the opportunity of opposing the order. In Australia the decision of the Commissioner is subject to an appeal to the High Court or the Supreme Court.

II.—TRADE MARKS.

REGISTRABLE MARKS.

The variations in the Statutes of the United Kingdom are shown in the following table:—

A. Trade Marks Registration Act, 1875, Section 10.	B. Patents, Designs and Trade Marks Act, 1883, Section 64.	C. Patents, Designs and Trade Marks Act, 1883, Section 10.	D. Trade Marks Act, 1905, Section 9.
For the purposes of this Act, a trade mark consists of one or more of the following essential particulars: that is to say:	(1) For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars:	(1) For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars:	(1) For the purpose of this Act, a trade mark must consist of or contain at least one of the following essential particulars:
A name of an individual or firm, printed, impressed, or woven in some particular and distinctive manner: or	(a) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner: or	(a) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner: or	(1) The name of a company, individual or firm, represented in a special or particular manner:
A written signature or copy of a written signature of an individual or firm: or	(b) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark: or	(b) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark: or	(2) The signature of the applicant for registration or some predecessor in his business:
A distinctive device, mark, heading, label, or ticket:	(c) A distinctive device, mark, brand, heading, label, ticket, or	(c) A distinctive device, mark, brand, heading, label, or ticket: or	(3) Any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the paragraphs (1), (2), (3), and (4), shall not, except by order of the Board of Trade or the Court, be deemed a distinctive mark:
	Fancy word or words not in common use.	(d) An invented word or invented words.	(3) An invented word or invented words.
		(e) A word or words having no reference to the character or quality of the goods and not being a geographical name.	(4) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname:
and there may be added to any one or more of the said particulars any letters, words, or figures, or combination of letters, words, or figures: also	(2) There may be added to any one or more of these particulars any letters, words, or figures, or combination of letters, words, or figures, or of any of them.	(2) There may be added to any one or more of the essential particulars mentioned in this section any letters, words, or figures, or combination of letters, words, or figures, or of any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trademark and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the Register.	
		(3) Provided as follows: (1) A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof:	

A. Trade Marks Registration Act, 1875, Section 10.	B. Patents, Designs and Trade Marks Act, 1883, Section 64.	C. Patents, Designs and Trade Marks Act, 1883, Section 10.	D. Trade Marks Act, 1905, Section 9.
any special and distinctive word or words or combination of figures or letters used as a trade mark before the passing of this Act may be registered as such under this Act.	(3) Provided that any special and distinctive word or words, letter, figure, or combination of letters or figures or of letters and figures used as a trade mark before the 13th day of August, 1875, may be registered as a trade mark under this part of this Act.	(ii.) Provided that any special and distinctive word or words, letter, figure, or combination of letters or figures or of letters and figures used as a trade mark before the 13th day of August, 1875, may be registered as a trade mark under this part of this Act.	Provided always that any special or distinctive word or words, letter, numeral, or combination of letters or numerals used as a trade mark by the applicant or his predecessors in business before the 13th day of August, 1875, which has continued to be used (either in its original form: or with additions or alterations not substantially affecting the identity of the same) down to the date of the application for registration shall be registrable as a trade mark under this Act.
			For the purposes of this Section, "distinctive" shall mean adapted to distinguish the goods of the proprietor of the trade mark from those of other persons. In determining whether a trade mark is so adapted, the tribunal may, in the case of a trade mark in actual use, take into consideration the extent to which such user has rendered such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.

Canada.—There is no definition of trade marks which can be registered. All that is said is:—"All marks, names, labels, brands, packages or other business devices which are adopted for use by any person in his trade, business, occupation, or calling, for the purpose of distinguishing any manufacture, product or article of any description manufactured, produced, compounded, packed, or offered for sale by him, applied in any manner whatever either to such manufacture, product or article, or to any package, parcel, case, box, or other vessel or receptacle of any description whatsoever containing the same, shall, for the purposes of this Act, be considered and known as trade marks."

Marks are divided into general and particular, defined as follows:—

"General trade mark" means a trade mark used in connection with the sale of various articles in which a proprietor deals in his trade, business, occupation, or calling generally.

"Specific trade mark" means a trade mark used in connection with the sale of a class merchandise of a particular description.

The minister may refuse to register any trade mark "if the so-called trade mark does not contain the essentials necessary to constitute a trade mark, properly speaking."

Newfoundland.—Same as column "C." In the provision with regard to old marks the words "before the coming into force of these Consolidated Statutes" are substituted for "before the 13th day of August, 1875."

Australia.—Practically the same as "C." The following words correspond with part of "D":—"In determining whether any particular of a trade mark is distinctive, regard may be had, in the case of a trade mark in actual use, to the extent to which user has rendered the trade mark or the particular distinctive for the goods with respect to which the trade mark is sought to be registered."

Certain provisions are made for the transfer to the register of marks already registered in any state in the Commonwealth and also for the registration of marks in use in any state before the passing of the Act.

New Zealand.—Same as "C" but with the words "before the first day of January, 1890 (being the date of the coming into operation of the Patents, Designs, and Trade Marks Act, 1889)" substituted for "before the 13th day of August, 1875."

Cape Colony.—Same as "C" but with the words "and a copy of the statement and disclaimer shall be entered on the register" omitted, and the words "before the 8th day of August, 1877" in place of "before the 13th day of August, 1875."

Natal.—Same as "B" but without subsection (3).

Transvaal.—Same as "C" but with the words "before Law No. 6 of 1892 came into operation" in place of "before the 13th day of August, 1875."

Orange River Colony.—Practically the same as "B."

ADVERTISEMENT AND OPPOSITION.

Canada.—There is no provision in the Act for advertisement or opposition. If application is duly made for registration and the Minister does not refuse to register on any of certain stated grounds, the mark is forthwith registered.

Newfoundland.—There is no provision for advertisement or opposition. As in the case of Canada, if application is duly made and the Colonial Secretary does not object to register on any of certain stated grounds, the mark is forthwith registered.

Australia, New Zealand.—The procedure is practically the same as in the United Kingdom.

Cape Colony.—The procedure with regard to advertisement is somewhat different from our own. The Rules provide that "any person desiring to register a trade mark shall advertise his intention so to do once a week during two consecutive weeks, in the Government *Gazette*, and once a week during two consecutive weeks in a Cape Town newspaper, to be approved of by the Registrar of Deeds." This advertisement must be in a prescribed form which includes a representation of the mark. Thirty days must elapse between the date of the last advertisement of the application and the date on which application is made for registration. The applicant must supply copies of the newspaper in which his application appeared, and the dates of the *Gazette* in which it was published.

The procedure in case of opposition is also different from that of the United Kingdom. The Rules provide that any person objecting to the registration of a trade mark must give notice before the expiration of thirty days after the last advertisement of the application. He shall state the grounds of his opposition, and shall before the expiration of thirty days after the date of lodging his objection, proceed to have the application set aside by some competent court, failing which the opposition is deemed abandoned.

Natal.—Every application for registering must, as soon as may be after its receipt, be advertised in the Government *Gazette*. As in the case of Cape Colony, the application must be advertised, with a representation, by the applicant. Opposition cases are determined by the Supreme Court of Natal, very much as was the procedure in the United Kingdom before 1888.

Transvaal.—Every application is advertised with a representation by the Registrar in the Government *Gazette* and in such newspaper or newspapers as he may prescribe.

The provisions regarding opposition are practically the same as those in the United Kingdom.

Orange River Colony.—The provisions for advertisement are the same as those in Cape Colony.

There does not appear to be any provision for opposition.

COSTS IN OPPOSITION CASES.

Canada, Newfoundland and the Orange River Colony make no provision for opposition.

Australia.—The Registrar and the Law Officer, respectively, may award costs against any party to any proceeding before him.

In Opposition cases the applicant, if he fails to lodge a counter statement, is not liable for costs, but, if he lodges a counter statement and thereafter abandons his application, is liable, unless the Registrar otherwise orders, to pay to the opponent such costs as the Registrar allows. If a person giving notice of opposition or appeal does not reside in Australia, the Registrar, Law Officer, or Court may order him to give security for costs, and if the order is not complied with, the opposition or appeal shall be deemed to be abandoned.

New Zealand.—There seems to be no provision enabling the Registrar to give general costs, but in opposition cases it is specially provided that the applicant, if he abandons his application after notice of opposition, shall be liable to pay to the opponent such costs in respect of the opposition as the Registrar may determine to be reasonable.

Cape Colony.—No provision is made for the award of costs.

Natal.—The determination of opposition cases lies with the Supreme Court of Natal, and there is no provision in trade mark legislation for the award of costs.

Transvaal.—The Registrar has power to order that the costs of any opposition proceeding be paid by either party in all respects as if the Registrar were a Judge of the Court. Costs are taxed by the Taxing Officer.

In case the applicant or opponent resides abroad or has no fixed property within the Colony, then the applicant or opponent shall have the right to require that a security to the satisfaction of the Registrar be lodged by the applicant or opponent for the costs.

If the applicant abandons his application after notice of opposition he shall be liable to pay to the opponent such costs in respect of the opposition as the Registrar may determine to be reasonable.

DURATION OF REGISTRATION.

Canada—				
General Trade Mark	...	...	...	Unlimited.
Specific Trade Mark	...	...	...	25 years; may be renewed.
Newfoundland	...	...	...	Unlimited.
Australia	...	...	...	14 years; may be renewed.
New Zealand	...	...	...	14 years; may be renewed.
Cape Colony	...	...	...	14 years; may be renewed.
Natal	...	...	...	14 years; may be renewed.
Transvaal	...	...	...	Unlimited.
Orange River Colony	...	...	...	14 years; may be renewed.

RESTRICTIONS ON REGISTRATION.

Canada.—The Minister may refuse to register any trade mark if it appears that it is calculated to deceive or mislead the public, or if it contains any immorality or scandalous figure.

Newfoundland.—The Colonial Secretary may object to register any trade mark on similar grounds.

Australia.—"No scandalous design, and no mark the use of which would by reason of its being calculated to deceive or otherwise be deemed disentitled to protection in a court of justice, or the use of which would be contrary to law or morality, shall be used or registered as a trade mark or part of a trade mark."

"Except in the case of a trade mark properly registered in any state under a State Trade Mark Act, a registrable trade mark must not contain:—

- (a) The words "Trade Mark," "Registered," "Registered Design," "Copy-right," "Entered at Stationers' Hall," "To counterfeit this is Forgery," or words to the like effect; or
- (b) A representation of the King, the Queen, or any member of the Royal Family, or of the Royal Crown.

A registrable trade mark must not contain:—

- (a) The word "Royal" or any word, letter or device indicating Royal or Government patronage; or
- (b) A representation of the Royal Arms, or of the National Flag of the United Kingdom, or of the flag of the Commonwealth, or of the National Arms of the United Kingdom, or of the arms or seal of the Commonwealth or any State; or
- (c) A representation of any living person without his written consent."

New Zealand, Natal and the Transvaal follow the provisions of the Patents, Designs and Trade Marks Act, 1883, as follows:—"It shall not be lawful to register as part of or in combination with a trade mark any words the exclusive use of which would by reason of their being calculated to deceive or otherwise be deemed disentitled to protection in a court of justice, or any scandalous design."

Cape Colony follows the provision of the Trade Marks Registration Act, 1875, which runs as follows:—"It shall not be lawful to register as part of or in combination with a trade mark any words the exclusive use of which would not, by reason of their being calculated to deceive or otherwise, be deemed entitled to protection in a court of equity; or any scandalous designs."

Orange River Colony.—The corresponding provision runs;—"It will not be lawful to register any words as part of a trade mark where danger could arise that by the exclusive use of these words the public might be misled. Neither may indecent devices or designs be registered."

RECTIFICATION OF THE REGISTER.

Canada.—The Exchequer Court of Canada may, on the information of the Attorney-General, or at the suit of any person aggrieved by any omission, without sufficient cause, to make any entry in the Register of Trade Marks, or by any entry made without sufficient cause in any such Register, make such order for making, expunging or varying any entry in the Register as the Court thinks fit. The Court may in any proceedings under the section decide any question that may be necessary or expedient to decide for the rectification of the Register.

Newfoundland.—Apparently no provision is made for rectification of the Register.

Australia.—The provision for rectification is substantially the same as in the United Kingdom, but power is given to the Registrar to make application to the Court. It is, however, expressly provided that the Registrar shall only make application to the Court in cases where he thinks the application necessary or desirable in the public interest.

If it is shown that there has been no *bonâ fide* user of a trade mark for a consecutive period of three years since the date of the last registration thereof, the Court may order its removal from the Register unless it was at the date of the application in *bonâ fide* use and had been so for a period of six months immediately prior to the date of the application.

New Zealand.—The provision for rectification of the register by the Court is practically the same as that in the United Kingdom.

Cape Colony, the Transvaal, and the Orange River Colony follow the provisions of the Trade Marks Registration Act, 1875, which run as follows:—

"If the name of any person who is not for the time being entitled to the exclusive use of a trade mark in accordance with this Act, or otherwise in accordance with law, is entered on the Register of Trade Marks as a proprietor of such trade mark, or if the Registrar refuses to enter on the Register as proprietor of a trade mark the name of any person who is for the time being entitled to the exclusive use of such trade mark in accordance with this Act, or otherwise in accordance with law, or if any mark is registered as a trade mark which is not authorised to be so registered under this Act, any person aggrieved may apply in the prescribed manner for an Order of the Court that the Register may be rectified; and the Court may either refuse such application, or it may, if satisfied of the justice of the case, make an Order for the rectification of the Register, and may award damages to the party aggrieved."

And further, "the Court may, in any proceeding under this section, decide any question as to whether a mark is or is not such a trade mark as is authorised to be registered under this Act, also any question relating to the right of any person who is party to such proceeding to have his name entered on the Register of trade marks, or to have the name of some other person removed from such Register, also any other question that it may be necessary or expedient to decide for the rectification of the Register."

Natal.—No provision appears to be made for rectification.

ALTERATION OF A REGISTERED TRADE MARK AND CORRECTION OF THE REGISTER ON APPLICATION BY THE REGISTERED PROPRIETOR.

Canada.—The provisions for alteration of a registered trade mark are practically identical with those in the Patents, Designs and Trade Marks Act, 1883, which run as follows:—

"The registered proprietor of any registered trade mark may apply to the Court for leave to add to or alter such trade mark in any particular, not being an essential particular within the meaning of this Act, and the Court may refuse or grant leave on such terms as it may think fit.

"Notice of any intended application to the Court under this section shall be given to the Comptroller by the applicant; and the Comptroller shall be entitled to be heard on the application.

"If the Court grants leave, the Comptroller shall, on proof thereof and on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave."

"The Exchequer Court of Canada" is substituted in place of "the Court" and "the Minister" in place of "the Comptroller."

It is also provided that any person who has registered a trade mark may petition for the cancellation of the same and the Minister may, on receiving such petition, cause that said trade mark to be so cancelled.

Newfoundland makes no provision for alteration of a registered trade mark or for correction of the register.

Australia.—"The registered proprietor of a trade mark may apply to the Court for leave to add to or alter the trade mark in any manner not substantially affecting its identity and the Court may refuse or grant the leave on such terms as it thinks fit. If leave be granted, the Registrar shall, on service of the order of leave, cause the register to be altered in accordance with the order and shall, in the prescribed manner, advertise the trade mark as altered."

Otherwise the provisions for correction of the register are practically the same as those at present in force in the United Kingdom:—"The Registrar may, on request made in the prescribed manner by the registered proprietor of a trade mark, amend or alter the register by—

- (a) correcting any error in the name or address of the registered proprietor of the trade mark; or
- (b) altering the name or address of the registered proprietor who has changed his name or address; or
- (c) cancelling the registration of the trade mark; or
- (d) striking out any goods or classes of goods from those in respect of which the trade mark is registered; or
- (e) entering a disclaimer or memorandum relating to the trade mark which does not in any way extend the rights given by the registration of the trade mark.

New Zealand.—The provisions for alteration of a registered trade mark are identical with those of the Patents, Designs and Trade Marks Act, 1883 (quoted above) with the substitution of "Registrar" for "Comptroller."

The provisions for correction of the register are likewise identical with those in the Patents, Designs and Trade Marks Act, 1883, which provide that the Registrar may, on request in writing accompanied by the prescribed fee, correct any clerical error in the name, style, or address of the registered proprietor of a trade mark; or cancel the entry or part of the entry of a trade mark on the register, provided that the applicant accompanies his request by a statutory declaration made by himself, stating his name, address, and calling, and that he is the person whose name appears on the register as the proprietor of the said trade mark.

Cape Colony makes no provision for the alteration of a registered trade mark. But it is provided in the "Regulations" that if the registered proprietor of a trade mark send to the Registrar of Deeds notice of an alteration in his address, the Registrar shall alter the Register accordingly; and that the Registrar of Deeds may on request in writing cancel the entry or part of the entry of a trade mark on the register, provided, as above, that the applicant accompanies his request by a declaration that he is the person whose name appears in the register as proprietor of the mark.

In the Scale of Fees there is an item "For every entry in the Register of a rectification thereof or an alteration therein not otherwise charged" as well as an item "For altering address in Register," and another "For cancelling the entry or part of an entry of a trade mark on the application of the owner of such mark."

Natal.—There is nothing provided in the Law regarding alteration of a registered mark, or correction of the Register, but in the Scale of Fees the following items occur:—

- "For altering address in the Register"
- "For every entry in the Register of a rectification thereof or an alteration therein not otherwise charged"
- "For cancelling the entry of a trade mark upon the Register, on the application of the owner of such trade mark."

Transvaal.—The provision made for alteration of a registered trade mark and for correction of the Register is practically identical with that in the Patents,

Designs and Trade Marks Act, 1883, with the substitution of "Registrar" for "Comptroller" and the addition that the Registrar may correct any error in or in connection with any registered trade mark in any special circumstances not otherwise provided for upon such terms and conditions as the Registrar may think fit.

Orange River Colony.—Nothing is provided in the Acts but in the Scale of Fees items occur similar to those quoted under Natal.

SPECIAL PROVISIONS.

Canada.—It is specially provided that "timber or lumber of any kind upon which labour has been expended by any person in his trade, business, occupation or calling, shall, for the purposes of the Act, be deemed a manufacture, product or article."

Australia.—Special provision is made for what are termed "Workers' Trade Marks." A workers' trade mark is defined as "a mark which is a distinctive device, design, symbol, or label registered by any individual Australian worker or association of Australian workers corporate or unincorporate for the purpose of indicating that articles to which it is applied are the exclusive production of the workers or of members of the association."

The mark is applied to the goods (being goods produced in Australia) by the employer for whom they are produced, or, with the authority of the employer, by the worker or a member of the association registering the mark.

The registered proprietor of a workers' trade mark is entitled to institute legal proceedings to prevent and recover damages for any contravention of the Act in respect of that trade mark.

Workers' trade marks are not capable of assignment and the main provisions relating to ordinary trade marks do not apply to them.

These special provisions do not apply to any primary products of the agricultural, viticultural (including wine-making), horticultural, dairying (including butter-making and cheese-making), or pastoral industries.

There are also special provisions with regard to the Commonwealth Trade Mark. The Minister may cause to be designed and registered a trade mark, called the Commonwealth Trade Mark, consisting of a distinctive device or label bearing the words "Australian Labour Conditions." The Minister is deemed the proprietor and is entitled to prevent the unauthorised application of the mark. He may give authority to any person to apply the mark either generally or in respect of specific goods. The provisions regarding the Commonwealth mark apply to all goods included in or specified by a resolution passed by both Houses of the Parliament that in their opinion the conditions as to the remuneration of labour in connection with their manufacture are fair and reasonable. Such a resolution shall be deemed to have been passed at the commencement of the Act in respect of goods which are manufactured in any part of the Commonwealth under conditions as to the remuneration of labour prescribed, required or provided in relation to the goods by an industrial award or order, or an industrial agreement under an industrial law. The mark must be applied, with the authority of the Minister, by the first proprietor of the goods who must have personally manufactured them or have paid for labour at least the minimum amount prescribed by an industrial award or order, or an industrial agreement under an industrial law. As in the case of workers' trade marks the ordinary provisions relating to trade marks do not apply.

Following the Trade Marks Act, 1905, section 62, provision is also made for the registration of standardisation marks by which, where any Commonwealth or State authority, or any association or person undertakes and certifies by a mark the examination of any goods, the Minister may permit the registration of the mark in respect of these goods. Conditions of manufacture are included amongst the objects of such examination and certification but in respect of them the provision applies to Commonwealth and State authorities only.

The principle of associating on the Register trade marks which closely resemble one another introduced by the Trade Marks Act, 1905, has been adopted in Australia.

Another innovation of the Trade Marks Act, 1905, has been adopted in the provision that the registration of a person as proprietor of a trade mark shall, after the expiration of five years from the date of registration (in the absence of fraud) be

conclusive evidence of the validity of the registration and, subject to this Act, of his right to the exclusive use of the trade mark in respect of the goods in respect of which it is registered, upon the registered proprietor proving that he or his predecessors in title have continuously used the trade mark in respect of the goods to a substantial extent for the five years immediately preceding the commencement of the legal proceedings.

New Zealand.—It is specially provided that no trade mark shall be registered for artificial manures manufactured in the colony unless accompanied by a chemical analysis setting forth the component parts of the substance of such manure. A copy of such analysis, made by a competent analytical chemist, must be affixed to every parcel of the manure to which the trade mark is attached and shall be deemed to form part of such trade mark.

III.—THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

By the International Convention of 20 March, 1883, the Governments of Belgium, Brazil, France, Guatemala, Holland, Italy, Portugal, San Salvador, Servia, Spain, and Switzerland constituted themselves into a Union for the protection of industrial property.

The following Governments have since adhered to the Convention and become parties to the Union, viz., Great Britain, Tunis, San Domingo, Sweden, Norway, the United States, New Zealand, Denmark, Japan, Mexico, Germany, Cuba, Ceylon, Australia, Trinidad and Tobago, Austria and Hungary; while San Salvador and Guatemala have left the Union.

Article II. of the Convention provides that the subjects and citizens of each of the Contracting States shall in all the other States of the Union, in matters concerning patents of invention, industrial designs or models, trade and commercial marks and trade names, enjoy the advantages which their respective laws now grant or shall hereafter grant to natives.

Article IV. provides that:—

"Any person who has duly lodged an application for a patent of invention, an industrial design or model, or a trade or commercial mark in one of the Contracting States, shall enjoy, for lodging the application in the other States, and reserving the rights of third parties, a right of priority during the terms hereinafter stated.

"Consequently a subsequent application in one of the other States of the Union before the expiration of these terms shall not be invalidated through any acts accomplished in the interval, either, for instance, by another application, by publication of the invention, or by the working thereof by a third party, by the sale of copies of the design or model, or by the use of the mark."

The above-mentioned terms of priority, as fixed by the original Convention of 1883, were six months for patents of inventions, and three months for industrial designs and models and for trade and commercial marks. These terms were increased by a month for "countries beyond the sea," an expression which has been interpreted as meaning "countries outside Europe which do not border on the Mediterranean."

By the Additional Act of the 14th of December, 1900, the terms of priority were fixed for all countries at twelve months for patents and four months for industrial designs and models and for trade and commercial marks.

Article V. of the Convention provides that:—

"The introduction by the patentee into the country where the patent has been issued of objects manufactured in any of the States of the Union shall not entail forfeiture.

"Nevertheless, the patentee shall remain subject to the obligation to work his patent in conformity with the laws of the country into which he introduces the patented objects."

This article has been modified by the Additional Act of the 14th of December, 1900, which provides that "the patentee in each country shall not incur forfeiture

"for non-working until the expiration of a minimum period of three years commencing from the date of the deposit of his application in the country in question, and in case the patentee fails to give satisfactory reasons for his inaction."

Article VI. provides that a trade mark which has been duly registered in the country of origin shall be admitted for registration and protected in all the other States of the Union. The country of origin is that in which the applicant has his chief seat of business or that to which he belongs. Registration may be refused if the mark is contrary to morality or public order.

Paragraph 4 of the Final Protocol annexed to the International Convention qualifies this article as follows:—

"Part I. of Article VI. is to be understood as meaning that no trade mark shall be excluded from protection in any State of the Union, from the fact alone that it does not satisfy, in regard to the signs composing it, the conditions of the legislation of that State; provided that on this point it comply with the legislation of the country of origin, and that it had been properly registered in said country of origin. With this exception, which relates only to the form of the mark, and under reserve of the provisions of the other Articles of the Convention, the internal legislation of each State remains in force."

It is also provided that the use of public armorial bearings and decorations comes within the meaning of the expression "contrary to public order."

As showing the interpretation which is put upon Article VI. by the British Government, attention may be called to the following Declaration made by the British Delegates at the Conference of the International Union at Brussels in 1900:—

"Her Britannic Majesty's Government adhere to a proposal of the French Government for the maintenance of the actual text of Article VI. of the Convention of 1883 and paragraph 4 of the Final Protocol, provided that it be clearly understood that all the Contracting States remain at liberty to keep their existing law on the subject."

"It is understood, however, that in this respect foreigners shall be treated equally with native subjects or citizens."

Article VII. provides that the nature of the goods on which the trade mark is to be used shall not be an obstacle to registration.

Article VIII. provides for the protection of a trade name without registration in all the States of the Union whether it forms part of a trade mark or not.

Article IX., as modified by the Additional Act of 1900, provides that goods illegally bearing a trade mark or trade name may be seized on importation into a State of the Union where the mark or trade name is protected. The seizure may be effected at the request either of the Public Prosecutor or of the interested party. In those States of the Union where the legislation does not permit of seizure, importation may be prohibited. The authorities are not compelled to effect the seizure in the case of goods in transit.

Article X., which has also been modified by the Additional Act of 1900, provides that Article IX. shall apply to all trade marks giving false indications of origin, when such indication is associated with a trade name of a fictitious character or assumed with a fraudulent intention. An interested party is defined as follows:—

"Any producer, manufacturer, or merchant engaged in the production, manufacture or sale of such goods and established either in the locality falsely described as the place of origin or in the district where that locality is situated."

Article X. *bis*, which was inserted by the Additional Act of 1900, provides that subjects or citizens of the States parties to the Convention shall enjoy in all States of the Union the protection granted to natives against dishonest competition.

Article XI., as modified by the Additional Act of the 14th of December, 1900, provides that the High Contracting Parties shall, in conformity with the legislation of each country, grant temporary protection to patentable inventions, industrial designs or models, and to trade or commercial marks for articles exhibited at official or officially recognized International Exhibitions which have been organised in the territory of one of them.

Article XII. provides that each of the Contracting States shall establish "a special department for industrial property, and a central office for the communication to the public of patents of invention, industrial designs or models, and trade or commercial marks."

In the Final Protocol of the Convention it is stated that the organization of this special department is to comprise, so far as possible, the publication in each State of a periodical official paper.

Article XIII. provides that an International Office shall be established under the authority and supervision of the Central Administration of the Swiss Confederation, the expenses being borne in common by the Contracting States. The total expenses are limited by the Protocol of the 15th of April, 1891, to the sum of 60,000 francs a year.

By the Additional Act of the 14th of December, 1900, a new clause has been inserted in the Convention providing that:—

"The patents claimed in the different Contracting States by persons entitled to the benefit of the Convention shall be independent of the patents obtained for the same invention in other States whether adhering to the Union or not."

"This provision shall apply in the case of the accession of new States, to patents existing in either State at the time of accession."

A further arrangement was concluded at Madrid on the 14th April, 1891, between the Governments of Great Britain, France, Spain, Switzerland and Tunis for the prevention of false indications of origin on goods. This arrangement provides for the seizure on importation of goods bearing false indications of origin, or, where the legislation of a State does not permit of such seizure, for the prohibition of importation. Seizure may also take place in the State where false indication has been applied. Brazil, Cuba and Portugal have since adhered to this arrangement.

Another arrangement was concluded at the same place and time between certain States of the Union for the international registration of trade marks, but to this arrangement Great Britain is not a party.

INTERNATIONAL ARRANGEMENTS IN THE SELF-GOVERNING DOMINIONS.

Australia and New Zealand are parties to the International Convention.

Orders in Council have been issued in Australia and New Zealand giving twelve months' priority in each Colony to those who have applied for patents in the other Colony.

The Patent Laws of Canada, Newfoundland, Cape Colony, Natal, the Transvaal and the Orange River Colony contain no provision for International arrangements for the protection of inventions. The Canadian Patent Act, however, gives twelve months' priority to a patentee abroad, provided notice of intention to apply for a patent in Canada be given to the Commissioner within three months of the date of the foreign application. In the Newfoundland Consolidated Statutes (Second Series), chapter 109, section 18 implies that patents may be granted in England which shall extend to Newfoundland, but provides that they shall not be effective there until the arrival of the specification and drawings.

The Patent Law of Natal provides that, from and after the promulgation in this Colony of the Order in Council referred to in section 104 of the Patents, Designs, and Trade Marks Act, 1883, all Letters Patent granted in the United Kingdom of Great Britain and Ireland shall be deemed and taken to be granted under the provision of Law No. 4, 1870, and may be dealt with accordingly; provided that this Law shall only apply to patents granted for inventions in the United Kingdom, and not to designs or trade marks. The effect of this provision is not altogether clear.

W. TEMPLE FRANKS.

29th March, 1911.

COMPARATIVE ANALYSIS

OF THE

COMPANY LAWS OF
THE UNITED KINGDOM, INDIA, CANADA,
AUSTRALIA, NEW ZEALAND, AND
SOUTH AFRICA.

WITH A

MEMORANDUM

PREPARED FOR

THE IMPERIAL CONFERENCE, 1911,

BY THE DIRECTION OF

THE BOARD OF TRADE.

MEMORANDUM

PREPARED FOR

THE IMPERIAL CONFERENCE, 1911,

BY THE DIRECTION OF

THE BOARD OF TRADE.

A Memorandum and Comparative Analysis of the laws and ordinances relating to joint stock companies, in force in the year 1907 in the United Kingdom, India, and the Dominions [Cd. 3589] was prepared by the direction of the Board of Trade in order to bring before the Imperial Conference held in that year, for consideration and discussion, the question whether any steps could usefully be taken with the object of bringing the laws which govern the formation, management, and winding-up of joint stock companies in different parts of the Empire, more closely into line, and thus securing greater uniformity of mercantile law in this respect throughout the Empire. The following resolution was unanimously adopted by the Conference:—

"That it is desirable so far as circumstances permit to secure greater uniformity
 "of the company laws of the Empire, and that the Memorandum and
 "Analysis prepared on this subject by the Imperial Government be noted
 "for the consideration of the various Governments represented at the
 "Conference."

The Board of Trade have now directed that the Comparative Analysis framed in 1907 should be brought up to date in order to show what changes have taken place in the laws relating to companies in the United Kingdom, in India and in the Dominions, in the direction of greater simplicity, clearness, and uniformity.

Since the Conference of 1907, the Acts of the United Kingdom relating to companies, which then amounted to 17 in number, were, together with two other amending Acts passed in 1907 and 1908, making 19 in all, consolidated into a single Statute in the year 1908.

In India there has been no change, and with the exception of two very short Acts of 1895 and 1900, the object of the former being to give a company power to alter its memorandum of association with the sanction of the High Court, and of the latter to give a company power to establish branch registers, the law governing joint stock companies in India has remained without revision for upwards of 28 years.

In Canada the Dominion Acts relating to companies are not founded on the Imperial Law, and the legislation of the Provinces relating to companies is in some cases based on the Dominion Acts and in other cases on the Imperial Acts, and in most cases is a combination of the Dominion and Imperial law.

In Canada there were in 1907, 9 different systems of company law contained in 76 Acts and Ordinances. There are now 11 different systems of company law contained in 67 Acts and Ordinances. The increase in the number of systems of law in Canada is due to the legislation of the new Provinces of Alberta and Saskatchewan,

the former Province having contributed three new Statutes and the latter five dealing with the law of companies. In British Columbia the 13 Statutes which were in existence in 1907 have been repealed and have been replaced by a single consolidating Statute based entirely on and closely following the words of the Imperial Consolidation Act. In the Province of Ontario also there has been a reduction from 16 to 5 owing to a consolidation which took place in 1907. The Ontario Act of 1907, however, is founded on the Statutes of the Dominion Parliament dealing with the law of companies, and with the exception of a few provisions does not follow the Imperial Consolidation Act at all.

In Australia the only change of any importance is the consolidation of the laws relating to companies in the State of Victoria. The total number of statutes in Australia dealing with the law of companies was 46 in 1907 and by the end of 1910 had risen to 54. In New South Wales the increase was from 4 to 5; in Victoria 9 to 12; in Queensland 11 to 12, and in Tasmania 13 to 16, but by the Victorian Consolidation Act (which only came into operation on the 31st January, 1911) the 12 Victorian Statutes have now been reduced to one and the total for Australia is now 43 as against 46 in 1907.

In 1910 a Select Committee of the Legislative Assembly of Victoria was appointed to consider and report upon the question of the consolidation and amendment of the law relating to trading companies. The Committee held 16 sittings and examined a number of witnesses including representatives of the Law Institute of Victoria, the Associated Banks, the Melbourne Stock Exchange and the Chamber of Mines, and received a report from the Chamber of Commerce. In this report the Chamber of Commerce said as follows:—

"We strongly approve of the desire which has been manifested to assimilate
 "our law to the English Companies Act, 1908, and consider that, except in
 "certain matters referred to later, the more nearly our law is made to resemble
 "the English Act the greater will be the advantage, as the legal profession
 "and the Courts will then have the advantage of the English text books and
 "decisions explaining and interpreting the law. This in our opinion will
 "make for certainty, and we deprecate anything in the nature of trifling
 "deviations from the English Act that will tend to have an opposite effect."

The Select Committee of the Legislative Assembly ultimately reported that they were unanimous in opinion that the effect of the Bill which was then before them would be to secure greater uniformity with the English company law, and the Bill as above stated has become law.

The Victorian Consolidation Act is an event of considerable importance, for though in form it is a Consolidation Act, it practically adopts the whole of the English law on the subject of companies.

In New Zealand also there has been practically no change, though the two Statutes existing in 1907 have been repealed and are represented by an Act of 1908 which in its turn has been amended by an Act of 1910.

In South Africa there were in 1907, 22 Statutes in all dealing with company law, and there are now 16 only. This reduction is entirely due to the Transvaal, which has led the way by remodelling her laws relating to companies by the adoption of the Imperial Consolidation Act practically without change.

In an Appendix is set out in tabular form the number of Statutes existing in 1907 and in 1911 with regard to companies in the United Kingdom, in India, and in the Dominions.

To sum up, some progress has been made towards uniformity during the past four years notably by the Acts recently passed in the Transvaal, in Victoria, and in British Columbia, and there is every reason to hope that progress will be more rapid in the near future. The importance of the subject is realised on every hand, and resolutions are to be proposed with regard to it at the coming Conference by the representatives of both Australia and New Zealand.

BOARD OF TRADE,
 April, 1911.

APPENDIX I.

Name.	Number of Statutes.	
	1907.	1911.
Great Britain ...	17	1
India ...	3	3
Canada...	8	6
Ontario ...	16	5
Quebec ...	6	2
Nova Scotia ...	12	16
New Brunswick ...	7	11
Manitoba...	9	13
North-West Territories ...	4	4
Prince Edward Island ...	1	1
British Columbia ...	13	1
Alberta* ...	—	3
Saskatchewan* ...	—	5
Total for Canada ...	76	67
Australia :—		
New South Wales ...	4	5
Victoria ...	9	1
South Australia...	2	2
Queensland ...	11	12
Tasmania ...	13	16
Western Australia ...	7	7
Total for Australia ...	46	43
New Zealand ...	2	2
South Africa :—		
Cape of Good Hope ...	3	3
Natal ...	6	6
Transvaal ...	8	1
Orange River Colony ...	4	4
British South Africa Company ...	1	2
Total for South Africa ...	22	16
Grand Total ...	166	132

* These two provinces were not included in the Comparative Analysis prepared in 1907.

APPENDIX II.

COMPARATIVE ANALYSIS

Of the Acts, Laws and Ordinances relating to Joint Stock Companies in force on the 1st April, 1911, in India and in the Dominions, shewing the material differences from the Imperial Companies (Consolidation) Act, 1908.

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COMPARATIVE ANALYSIS

Of the Acts, Laws and Ordinances relating to Joint Stock Companies in force on the 1st April, 1911, in India and in the Dominions, shewing the material differences from the Imperial Companies (Consolidation) Act, 1908.

INDIA.

The law relating to joint stock companies in India is contained in three Acts only—the Indian Companies Act, 1882, and short Amending Acts entitled the Indian Companies (Memorandum of Association) Act, 1895, and the Indian Companies (Branch Registers) Act, 1900. The Indian Companies Act, 1882, closely follows those parts of the Imperial Consolidation Act which reproduce the provisions of the Imperial Companies Acts, 1862, 1867, 1870 and 1877; and the two other Acts follow with the same closeness the Imperial Companies (Memorandum of Association) Act, 1890, and the Imperial Companies (Colonial Registers) Act, 1883.

With the exception of the Acts of 1895 and 1900, the law governing joint stock companies in India has remained without revision for upwards of 28 years, and the long series of Imperial Companies Acts which were passed during the 30 years following the year 1877 have neither been adopted nor followed.

The Indian Acts follow the six Acts of the Imperial Legislature mentioned above with closeness, and there are consequently but few differences to note in the Table set out below between the provisions of the Indian Acts and of those sections of the Imperial Companies (Consolidation) Act, 1908, in which the six Imperial Acts mentioned above are merged and consolidated.

Table showing the material differences between the Indian Acts and those parts of the Imperial Consolidation Act which reproduce the Imperial Acts mentioned above as having been followed in India.

Additions.

Indian Act.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 74 of Act of 1882.	—	Provides for the making out of an annual balance sheet, its audit, and for the filing of audited balance sheet with the Registrar. <i>A similar provision was included in the Imperial Companies Act of 1907.</i>
Sec. 130 of Act of 1882.	Secs. 134, 135, and 285.	Definition of debts added:—Debts defined as "debts actually due," except in case of life assurance companies, when debts are to include prospective liability under policies. This follows section 21 of the Life Assurance Companies Act, 1870.
Sec. 131 of Act of 1882.	Sec. 137 ...	Provision added as to petition in case of a life assurance company, following section 21 of the Life Assurance Companies Act, 1870. Also a provision that a shareholder owing calls or other moneys cannot present a petition.
Sec. 137 of Act of 1882.	Sec. 143 ...	Provision added that winding-up order shall be deemed to be notice of discharge to servants of company.
Sec. 249 of Act of 1882.	—	Provision forbidding company to buy its own shares. This is in accordance with English law, though there is no section in the English Acts expressly dealing with the point.

Omissions.

Imperial Consolidation Act.	Nature of Omission.
Sec. 19 ...	Prohibition against companies not formed for profit holding land except under licence from the Board of Trade. <i>This is part of the English law of Mortmain.</i>
Sec. 60 ...	Provision that where a company has been formed with unlimited liability on the part of a director notice of the fact shall be given to him before he accepts office.
Sec. 217 ...	Power to liquidators in voluntary winding-up with the sanction of the Court to prosecute delinquent directors.
Sec. 251 ...	Unlimited liability to attach to members of banking company in respect of notes issued.

DOMINION OF CANADA.

In Canada companies may be incorporated either under the Dominion laws or under the laws of the Province in which the company carries on its business. The Dominion laws relating to companies are founded, as appears from the summary set out below, on an entirely different system to that which governs the law of companies in the Mother country. Each Province has laws relating to companies distinct from those of the Dominion Parliament. In some Provinces the laws relating to companies are founded on the Dominion laws; in others, again, on the laws of the Mother country; and there are many laws which are founded partly on the one and partly on the other system. Taking the Dominion laws and the laws of the Provinces together there are at present in existence eleven different systems of company law existing concurrently in Canada and contained in no less than 67 Acts and Ordinances dealing with the subject.

Though the incorporation of companies is a matter dealt with both by the laws of the Dominion and of the several Provinces, the insolvency of companies is a matter exclusively within the jurisdiction of the Dominion Parliament. It is only under the Dominion Winding-up Act that a creditor can obtain a winding-up Order *ex debito justitiæ*, and though each of the Provinces has its separate winding-up Act, the provisions of these Acts relate only to the voluntary winding-up of a company and do not infringe on the exclusive legislative power conferred on the Dominion Parliament with regard to compulsory liquidation.

The exact definition of the respective powers under the British North America Act of the Dominion and the Provincial Governments respectively, with regard to the incorporation of companies, was made the subject of discussion at a Conference held at Ottawa on the 29th March, 1910, between representatives of the Dominion and of the Provinces. The Conference was convened for an exchange of views on the question of the respective jurisdiction of the legislature of each Province and of the Dominion Parliament in the matter of civil constitution of companies, and as to the rights of companies so constituted. The representatives of the Dominion present at the Conference were the Right Hon. Sir Wilfrid Laurier, the Hon. Mr. Aylesworth, the Hon. Mr. Lemieux and the Hon. Mr. Murphy; of Ontario the Hon. Mr. Hanna, Mr. C. H. Ritchie, K.C., and Mr. Edward Bayly, Solicitor to the Attorney-General's Department; of Quebec the Hon. Mr. Taschereau, the Hon. Mr. Mackenzie, and Mr. C. Lanctot, K.C., Deputy Attorney-General; of Manitoba the Hon. Mr. Campbell and the Hon. Mr. Howden; of New Brunswick the Hon. Mr. Hazen and the Hon. Mr. McLeod; of British Columbia Mr. H. A. McClean, K.C., Deputy Attorney-General; and of Saskatchewan the Hon. Mr. Turgeon. The following resolution was unanimously adopted by the representatives of the Provinces:—

"Whereas it has been proposed by the Government of Canada to submit to the Supreme Court of Canada the question of the jurisdiction of the Provinces and the Federal Parliament respectively in reference to the incorporation of companies and of the rights of companies so incorporated; and whereas the Supreme Court of Canada, in the case of *The Canadian Pacific Railway Company v. The Ottawa Fire Insurance*

"Company, has already upheld the contention of the Provinces in this behalf, it is therefore resolved: (1) That the Provinces in view of this judgment do not think it expedient or advisable to consent to another or further submission, involving substantially the same issue. (2) That they are of opinion that it is not in the public interest that the powers exercised by the Provinces for over forty years should again be brought in question. (3) That they believe that foreign corporations should not be accorded or enjoy, within any Province, greater powers than companies incorporated by sister Provinces. (4) That they express their willingness to join in a Conference to draft an amendment to the British North America Act, to more clearly define and set at rest the respective rights of the Dominion and the Provinces in this respect."

Shortly after the holding of the Conference a reference was made to the Supreme Court of Canada by Order in Council for their opinion with regard to the extent of the powers of the Provincial Legislatures to incorporate companies. The Court has as yet delivered no opinion on the subject.

The Act of the Dominion Parliament which governs the incorporation of joint stock companies is the Companies Act, 1906, as amended by an Act of 1908. These Acts are, as stated above, not based on the Imperial Companies Acts, and consequently a detailed comparison is difficult, and it is only possible to set out the main features and provisions.

Principal provisions of the Dominion Companies Act, 1906, and of the amending Act of 1908.

Incorporation is obtained by application for Letters Patent to the Secretary of State by not less than five persons. (Sec. 5 of 1906.)

Business is not to be commenced, under penalty of liability of the directors to the creditors, until 10 per cent. of the capital has been subscribed and paid for. (Sec. 26 of 1906.)

Upon the passing of a special resolution, an application may be made to and sanctioned by, the Secretary of State for the issue of supplementary Letters Patent enlarging the company's powers. No application to the Court is necessary as under the Imperial Consolidation Act, nor are any restrictions analogous to those laid down by Section 9 of that Act, imposed on the Secretary of State. (Secs. 34-37 of 1906.)

Every shareholder is individually liable to the creditors of the company to an amount equal to that unpaid on his shares, but is not "liable to an action therefor, by any creditor until an execution against the company has been returned unsatisfied in whole or in part." (Sec. 39 of 1906.)

Every prospectus to specify the dates of and the parties to any contract entered into by the company or the promoters, and any prospectus not giving the required information to be deemed fraudulent. (Sec. 43 of 1906, cf. Sec. 81 of Imperial Consolidation Act.)

Unless the Letters Patent authorise such purchase a company cannot use any of its funds in the purchase of stock in any other corporation until the directors have been expressly authorized by a byelaw, sanctioned by not less than two-thirds in value of the capital, represented at a meeting called for the purpose. (Sec. 44 of 1906.)

The sanction of a byelaw passed by a three-fourths majority of shareholders present at a meeting representing two-thirds of the stock of a company must be obtained by the directors before issuing preference stock. (Sec. 47 of 1906.)

Sub-division, increase and reduction of capital may be carried through by a byelaw made by the directors, which must be passed by the shareholders and confirmed by supplementary Letters Patent. Before increase can be made, 90 per cent. of the existing capital of the company must be subscribed, and 50 per cent. thereon must have been paid in. (Secs. 51-57 of 1906.)

Borrowing powers can only be exercised if sanctioned by a vote of not less than two-thirds in value of the subscribed stock represented at a general meeting duly called for the purpose. This restriction, however, does not apply to the borrowing of money on bills of exchange or promissory notes. (Sec. 69 of 1906.)

Directors are made jointly and severally liable:—If they declare and pay a dividend when the company is insolvent or which would make the company insolvent (Sec. 82 of 1906); if they make loans to shareholders (Sec. 84 of 1906); they are also made liable to clerks, labourers, servants, and apprentices "for all debts not exceeding six months' wages due

"for service performed for the company whilst they are directors." No director, however, can be sued unless the company is sued within one year after the debt becomes due nor unless an execution against the company has been returned unsatisfied. (Sec. 85 of 1906.)

The provisions as to the books to be kept by a company are similar to those contained in the Imperial Consolidation Act, but a register of transfers is added, in which must be entered the particulars of every transfer of shares in the company. (Secs. 89 and 90 of 1906.)

Upon the application of shareholders representing one-fourth in value of the issued capital stock of a company, a judge may appoint an inspector to investigate the affairs and management of the company, and the expenses of the investigation are payable by the company or by the applicants as the judge may direct. (Sec. 92 of 1906.)

The company may, by resolution, appoint an inspector with the same powers as if he had been appointed by a judge. (Sec. 93 of 1906.)

Directors must lay before shareholders annually a full printed statement of the affairs and financial position of the company at or before each general meeting. (Sec. 105 of 1906.)

A statement corresponding to the annual return under Section 26 of the Imperial Consolidation Act of 1908 containing particulars of the subscribed and issued capital of the company but with only a list of those who have ceased to be shareholders of the company is to be sent to the Secretary of State whensoever he makes a written request therefor, but not otherwise. (Sec. 106 of 1906.)

Secs. 120-176 of 1906 correspond to the sections dealing with the like subjects in the Imperial Companies Clauses Act, 1845, and deal entirely with companies incorporated by special Act of Parliament.

Secs. 177-257 of 1906 deal with loan companies. Loan companies in Canada before electing directors must obtain a subscription of 100,000 dollars and deposit 50,000 dollars with the Minister of Finance (Sec. 190 of 1906), and before obtaining a certificate to carry on business must obtain a subscription of 300,000 dollars and deposit 100,000 dollars. (Sec. 193 of 1906.) The total amount of liabilities to the public (exclusive of debentures) must not exceed four times the amount paid up on the company's capital. (Secs. 200 and 201 of 1906.) Every company must file with the Minister of Finance annually, a statement showing capital, assets and liabilities, amount and nature of investments, and extent and value of land held by the company. (Sec. 255 of 1906.)

Secs. 258-268 of 1906 deal with British loan companies, which term is interpreted to mean any institution or corporation duly incorporated under the laws of the Parliament of the United Kingdom for the purpose of lending money. A British loan company may carry on business in Canada after obtaining a licence from the Secretary of State, and is thereupon free from the regulations which apply to other loan companies, with the exception of the duty of making returns to the Minister of Finance of all the business done by it in Canada at the same time and in the same manner as if the company were not a British loan company.

Secs. 269-273 of 1906 apply to British and Foreign mining companies, which must obtain a licence before carrying on mining operations and must make returns when required to the Secretary of State of all business done by them under the licence.

The Dominion Acts dealing with the winding-up of companies, on the other hand, are based on the winding-up provisions of the Imperial Companies Act of 1862. The Dominion Winding-up Acts consist of Chapter 144 of the Revised Statutes, 1906, and amending Acts of 1907 and 1908 (2). There are but few differences to note, which are set out in the Table below.

Table showing material differences between the Dominion Winding-up Acts and those parts of the Imperial Consolidation Act which reproduce the winding-up provisions of the Imperial Act of 1862.

Additions.

Dominion Act.	Corresponding provision of Imperial Consolidation Act.	Nature of Addition.
Sec. 11 of Act of 1906.	—	The Court may make a winding-up order when the capital stock of a company is impaired to the extent of 25 per cent., and when the Court is satisfied that the lost capital is not likely to be restored within a year.

Additions—continued.

Dominion Act.	Corresponding provision of Imperial Consolidation Act.	Nature of Addition.
Sec. 23 of Act of 1906.	Sec. 211 ...	Every attachment, distress or execution to be void after the making of the winding-up order instead of the date of the petition to wind up.
Sec. 30 of Act of 1906.	—	An incorporated company may be appointed liquidator.
Secs. 34 and 35 of Act of 1906.	—	All contracts by which creditors are obstructed or delayed, made by a company unable to meet its engagements, and which is subsequently ordered to be wound up, with a person knowing or having probable cause to know such inability (whether such person is a creditor or not) to be null and void.
Sec. 1 of Act of 1907.	—	The Court may appoint solicitor and counsel to represent any class of creditors or shareholders (if satisfied that their interests can be classified), and the persons in each class shall be bound by the acts of the solicitor and counsel.

Omissions.

Imperial Consolidation Act.	Nature of Omission.
Sec. 192 ...	Provisions for re-construction of companies in course of being wound up and for the valuation and purchase of interests of dissenting shareholders.

The provisions of the Imperial Winding-up Act of 1890 have not been adopted in any respect.

ONTARIO.

The law relating to joint stock companies in the Province of Ontario was in the year 1906 contained in no less than sixteen Acts. Two out of these sixteen Acts, namely, the Acts of 1900 and 1901 which deal with the licensing of extra-Provincial corporations remain untouched. The remaining fourteen, however, have been consolidated in an Act of 1907 which in its turn has been amended by short Acts of 1908 and 1909. Thus the total number of statutes in which the law of Ontario is now contained is five only as against the former number of sixteen. The Ontario Act of 1907 and the amending Acts of 1908 and 1909 are founded on and follow closely the statutes of the Dominion Parliament dealing with the law of companies. There are, however, a few provisions taken from the Imperial Consolidation Act and now made part of the law of Ontario for the first time, namely, the provisions relating to the issue of share warrants to bearer, the issue and contents of a prospectus, allotment of shares, the appointment of auditors, and the holding of statutory meetings within three months after the formation of a company. The provisions of the Imperial Consolidation Act as to the voluntary winding-up of a company and as to the liability of directors were incorporated in the law of Ontario prior to the Act of 1907. Special parts of the Ontario Act of 1907 refer to mining companies, to trust companies, and to municipal companies respectively.

Table showing the material differences between the Ontario Companies Act, 1907, as amended, and the Dominion Acts referred to above.

Additions.

Ontario Act.	Corresponding provision in Dominion Act of 1906.	Nature of Addition.
Sec. 13 ...	Sec. 52 ...	Increase of capital not to take place until 90 per cent. has been subscribed and 10 per cent. paid in (instead of 90 per cent. and 50 per cent. respectively).

Additions—continued.

Ontario Act.	Corresponding provision in Dominion Act of 1906.	Nature of Addition.
Sec. 17 ...	Secs. 28 and 29 ...	In this section are set out a variety of powers which are applicable to all companies having share capital, subject, however, to the withholding of any of these powers by the Letters Patent creating the company.
Secs. 18 and 19 ...	—	Power given to a company to hold land necessary for carrying on its undertaking, but any land not actually required and which is not within the limits or within one mile of any city or town must not be held for a longer period than seven years.
Sec. 21 ...	Sec. 27 ...	Forfeiture of charter for non-user during two years instead of the three years allowed by the Dominion Law. Proof of user to be upon company in any action where non-user is alleged.
Sec. 22 ...	—	Power to revoke Letters Patent on sufficient cause shown.
Sec. 23 ...	—	If company exercises its corporate powers when number of members below five, members to have unlimited liability.
Sec. 27 ...	Sec. 33 ...	The last word of the name of a company with share capital shall be "limited", except in the marking of goods or packages containing goods.
Sec. 34 ...	—	In the case of a company not offering shares for public subscription a general meeting of the company must be held within two months from date of Letters Patent and a report made to the meeting by the provisional directors.
Sec. 35 ...	Sec. 88 (a) ...	Notice of general meetings to be sent by registered letter to each shareholder.
Sec. 36 ...	Sec. 105 ...	If Letters Patent do not prescribe time and place for annual meeting, it must be held on fourth Wednesday in January of every year. Particulars to be set out in the balance sheet are given in the section. On resolution by shareholders holding 5 per cent. of the capital, a copy of the balance sheet to be given to every shareholder present at the meetings.
Sec. 37 ...	Sec. 87 ...	Directors on requisition of one-tenth of holders of subscribed shares must call a meeting.
Sec. 44 of 1907 as amended by Sec. 1 (4) of 1908.	—	All meetings of shareholders to be held at head office in Ontario unless Letters Patent authorise the contrary.
Sec. 49 ...	—	No shareholder in a co-operative cold storage association to which aid has been granted, or in a co-operative cheese and butter making company shall hold shares exceeding \$1000.
Secs. 57-65 ...	Cf. Sec. 37 of Imperial Consolidation Act.	Provisions as to issue of bearer warrants.
Sec. 67 ...	Sec. 42 ...	Any one of joint shareholders may vote.
Sec. 76 ...	—	Unless preference shares, debenture bonds, &c. are issued subject to redemption and conversion, they shall not be redeemed or converted without the consent of the holders.
Sec. 92 ...	Sec. 71 ...	Directors may pay dividend in stock.
Sec. 94 ...	Sec. 85 ...	Directors to be liable for wages of labourers, servants, and apprentices of the company to the extent of one year's wages.
Secs. 95-100 ...	Sec. 43 ...	Provisions as to issue and contents of prospectus, and liability of directors in connection therewith. These mainly follow the Imperial provisions, but prospectuses to be filed by a company the number of shareholders of which is increased to a number greater by ten than the number of applicants for incorporation, or which has its debentures or other securities held by more than ten persons.
Secs. 102-105 ...	Cf. Secs. 80 to 84 of Imperial Consolidation Act.	Subscribed capital only to be stated on advertisements or documents issued by the company.
Sec. 101.	—	Provisions as to allotment and statutory meetings mainly founded on the Imperial provisions.
Secs. 106-112 ...	Cf. Secs. 85-88 & Sec. 65 of Imperial Consolidation Act.	Penalty for false returns &c.
Sec. 121 ...	—	Inspector may be appointed on application of one-fifth of shareholders.
Sec. 122 ...	Secs. 92, 94.	Appointment, rights, and duties of auditors. These sections follow the Imperial provisions.
Secs. 123-130 ...	—	Companies to make and file on the 1st February in every year an annual summary giving detailed particulars as to the capital of the company, and as to the directors and officers of the company.
Sec. 131 ...	Sec. 106 ...	

Omissions.

Dominion Act of 1906.	Corresponding provision in Ontario Act.	Nature of Omission.
Secs. 26 and 86 ...	—	Company not to commence business until 10 per cent. of its authorised capital is subscribed and paid for. Directors liable for breach of this regulation.
Sec. 58 ...	—	Not less than 10 per cent. upon the allotted shares to be called and made payable in the first year.
Sec. 59 ...	—	Call to be deemed payable when resolution of directors is passed.
Sec. 87 ...	—	Holders of one-fourth in value of the subscribed stock of the company may call a meeting.

Table showing the material differences between the Ontario Companies Act (1907) and the provisions as to voluntary winding-up of the Imperial Consolidation Act.

Additions.

Ontario Winding-up Act (1907).	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 192 ...	Sec. 13 ...	Winding-up to commence from the date of the service of the motion instead of the date of presentation of the petition. On the refusal of a liquidator to institute proceedings which a shareholder thinks are for the benefit of the company, the shareholder may, with the sanction of the Court, take such proceedings in the name of the liquidator or of the company, but at his own expense and risk, and for his own exclusive benefit.
Sec. 199 ...	—	

Omissions.

Imperial Consolidation Act.	Nature of Omission.
Sec. 210 ...	Section as to "fraudulent preference."

QUEBEC.

The law relating to joint stock companies in the Province of Quebec is contained in Articles 6002 to 6097 of the Revised Statutes of 1909, and in an amending Act of 1910. Articles 6098 to 6110 deal with extra-Provincial corporations and Articles 6120 to 6140 with the voluntary winding up of companies.

In its main provisions the company law of this Province follows that contained in the Dominion Acts the more important differences being set out in tabular form below.

Table showing the material differences between the Acts of Quebec and the Dominion Acts.

Additions.

Quebec Act.	Corresponding provision in Dominion Act of 1906.	Nature of Addition.
Article 6034 ...	Sec. 43 ...	Promoters as well as directors and officers of the company to be held responsible for contents of prospectus.

Additions—continued.

Quebec Act.	Corresponding provision in Dominion Act of 1906.	Nature of Addition.
Article 6036 ...	—	Definition of capital, stock, and prohibition of watering of stock, or any other form of fictitious capitalization.
Article 6039 ...	Secs. 47-49 ...	The issue of preference stock by a company requires the sanction of two-thirds in value of the stockholders and the approval of the Lieutenant-Governor. The approval of the Lieutenant-Governor not to be given until after notice of one month has been given by registered letter to all the stockholders.
Article 6058 ...	Sec. 69 ...	Directors may (with the sanction of two-thirds in value of the subscribed stock) give to one or more trustees a hypothec on the immovable property of the company to secure an issue of bonds or debentures.
Article 6059 ...	Sec. 70 ...	Dividend may be paid entirely or supplemented out of the reserve fund, but such payment must be expressly authorized by a resolution of the company. In the absence of such express authority directors to be personally liable.
Article 6091 ...	—	Declaration to be made and filed in each district in which it carries on business by every company, except banking companies, within 60 days of commencing business stating the name of the company, the place, date and manner of incorporation, and the situation of the principal place of business in Quebec.
Articles 6098-6110	—	Under these articles extra-Provincial companies may be licensed by the Lieutenant-Governor.

Omissions.

Dominion Act of 1906.	Corresponding provision in Quebec Act.	Nature of Omission.
Secs. 33, 114, and 115.	—	The name of a company, with the word "limited" at the end, to be painted or affixed on the outside of every place of business and to be used on the company's seal and all official publications.
Sec. 117 ...	Article 6077 ...	Penalty for false entries in books and refusing inspection. In Dominion Act the making of false entries and the refusing of inspection is an indictable offence. In the Quebec Act a fine of 100 dollars for each offence and liability for damages to party interested is substituted for the criminal penalty.

NOVA SCOTIA.

The law relating to joint stock companies in the Province of Nova Scotia is contained in sixteen statutes, namely, the Nova Scotia Companies Act (1900), the Companies (Winding-Up) Act (1900), Chapter 130 of the Revised Statutes of 1900, and Acts of 1902, 1903 (2), 1904, 1905, 1906, 1907, 1909 (2) and 1910 amending the Nova Scotia Companies Act (1900). These Acts contain most of the sections of the Imperial Consolidation Act which reproduce the provisions of the Imperial Acts of 1862, 1867, 1877, 1880, and 1898, the Companies (Memorandum of Association) Act 1890, and the Directors' Liability Act, 1890. With small exceptions the Imperial legislation as to companies subsequent to the year 1898 has not been followed or adopted.

Foreign companies carrying on business in Nova Scotia are governed by the following Acts: Chapter 127 of 1900, and amending Acts of 1903 and 1904.

Table showing material differences between the Nova Scotia Acts and those parts of the Imperial Consolidation Act which reproduce the Imperial Acts mentioned above as having been followed in Nova Scotia:—

Additions.

Nova Scotia Act.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 6 of Nova Scotia Companies Act (1906).	Sec. 2	Three instead of seven persons can form a company.
Sec. 70 of same Act	cf. Sec. 47 of the Dominion Act (1906).	A special resolution of the shareholders is necessary to empower directors to issue preference shares.
Sec. 89 of same Act	cf. Sec. 69 of the Dominion Act (1906).	A like resolution is necessary to enable a company to mortgage its property or to issue debentures.
Sec. 119, added by amending Act of 1903.	Sec. 89	Payment of underwriting commission permitted, but limited to "10 per cent. of the price at which the shares are sold."
Sec. 6 of the Companies (Winding-up) Act (1900).	Sec. 139	Commencement of winding-up to be the date of a winding-up order instead of the date of presentation of the petition.
Sec. 11 of same Act	—	Liquidator to be paid by commission of 5 per cent. on the net amount realised in the absence of any agreement or Order.
Sec. 59 of same Act	—	On the refusal of a liquidator to institute proceedings which a shareholder thinks for the benefit of the company, the shareholder may with the sanction of the Court take such proceedings in the name of the liquidator or of the company, but at his own expense and risk, and for his own exclusive interest and benefit.
The Nova Scotia Companies Act, 1900, and amending Acts of 1903 and 1904.	—	Under these Acts every foreign company carrying on business in Nova Scotia must appoint a manager or agent resident in the Province, and file a statement giving his name and address. Such companies must also file a statement giving particulars of incorporation, where the head office is situated, particulars as to capital authorized, subscribed and issued, and the names of the directors. <i>A similar provision was included in the Imperial Companies Act of 1907.</i>

Omissions.

Imperial Consolidation Act.	Nature of Omission.
Sec. 19	Prohibition against companies not formed for profit holding land. This is part of the English law of mortmain.
Sec. 20	Provision that associations not for profit may under licence register without the word "limited" at the end of the name.
Secs. 60 and 61	These sections provide for the formation of limited companies with unlimited liability on the part of the directors or managers, thus making it possible to create limited partnerships similar to the companies <i>en commandite</i> existing on the Continent.
Secs. 100 and 101	Provision requiring every company to keep a register of mortgages.
Sec. 210	Section as to "fraudulent preference."

NEW BRUNSWICK.

The law relating to joint stock companies in the Province of New Brunswick is contained in eleven Statutes, namely The New Brunswick Joint Stock Companies Act (1903) amended by Acts of 1904, 1906, 1907, and 1909, in chapter 86 of the Consolidated Statutes of 1903, and in the Companies Winding-up Act (1903), as amended by the Acts of 1909 and 1910. There is also an Act of 1903, with an amending Act of 1905, dealing with the licensing of extra-Provincial corporations.

The New Brunswick Joint Stock Companies Act (1903) with its amending Acts is founded on the Dominion Act, while the Companies Winding-up Act (1903) of the Province follows the provisions of the Imperial Consolidation Act as to voluntary winding-up.

Table showing the material differences between the New Brunswick Acts and the Dominion Acts.

Additions.

New Brunswick Act.	Corresponding provision of Dominion Act of 1906.	Nature of Addition.
Sec. 5 (3) of the New Brunswick Joint Stock Companies Act (1903).	—	Aggregate amount of stock to be taken by applicants for incorporation to be not less than one-half of the total amount of the stock of the company.
Sec. 32 of the same Act.	—	Shareholders at a meeting for election of a full board of directors, holding the same proportion of the whole allotted stock of the company that one director bears to the whole board, to be entitled to elect one director.
Sec. 37 of the same Act.	—	Stock may be issued at a discount if the issue has been authorised by a byelaw confirmed at a general meeting called for that purpose, but not otherwise.
Sec. 42 (1) of the same Act.	Sec. 52	Capital may be increased when the whole capital stock of the company (instead of 90 per cent.) has been taken up and 50 per cent. thereon paid in, but not sooner.
Sec. 91 of the same Act.	Sec. 69	Debentures may not be issued to a greater extent than 75 per cent. of the actual paid-up stock of the company.
Chapter 25 of 1903	—	Extra-Provincial companies may be licensed by the Lieutenant-Governor.
Chapter 8 of the Consolidated Statutes of 1903.	—	Trust and loan companies incorporated under the Acts of the Imperial Parliament or of the Dominion may, if licensed in New Brunswick, hold mortgages on land, but if they become owners of the land must sell within five years.
Chapter 18 of 1906	—	Provision that debentures may be issued or re-issued, pledged or charged, and when redelivered to the company shall not be deemed to be thereby extinguished.

Omissions.

Dominion Act of 1906.	Nature of Omission.
Secs. 26 and 86	Business not to be commenced until 10 per cent. of the authorised capital has been subscribed and paid for under pain of the personal liability of the directors to the creditors of the company.
Sec. 33	Requirement that the word "limited" should be used.
Sec. 85	Liability of directors to clerks, labourers, servants and apprentices for six months' wages.
Sec. 92	Provision relating to the appointment of inspectors.

There are no special provisions in the Winding-up Act (1903) to which attention need be called except section 4, which (as amended by the Act of 1909) declares that a company may be wound-up whenever 25 per cent. of the capital has been lost or become unavailable. (*cf.* Sec. 11 of Dominion Winding-up Act of 1906.)

MANITOBA.

The law relating to joint stock companies in Manitoba is contained in thirteen statutes, namely, the Manitoba Joint Stock Companies Act (1902), with amending Acts of 1903, 1904, 1905, 1906 (2), 1907, 1908 and 1909, the Joint Stock Company

Winding-Up Act, 1902, an Act, Chapter 29, of 1902, and an Act for the Licensing of Extra Provincial Corporations, 1909, with an amending Act of 1910.

The Manitoba Joint Stock Companies Act and its amending Acts are founded on the Act of the Dominion Parliament (1906), and follow that Act subject to the exceptions set out in the Table below. The Winding-up Act follows the provisions as to voluntary winding-up of the Imperial Consolidation Act.

Table shewing material differences between the Manitoba Companies Acts and the Dominion Acts mentioned above.

Additions.

Manitoba Act.	Corresponding provision in Dominion Act of 1906.	Nature of Addition.
Sec. 22 of Manitoba Joint Stock Companies Act, 1902.	Sec. 26 ...	Before the commencement of business 10 per cent. only of the subscribed capital need be paid up.
Secs. 70 and 71 of same Act.	Sec. 106 ...	Annual summary as to capital to be filed every year instead of being forwarded only when Secretary of State may request.
Sec. 3 of Act of 1904, Chapter 6.	—	Provision authorising directors to issue shares at a discount after receiving the sanction of two-thirds in value of the shareholders at a meeting.
Chapter 29 of 1902	—	Penalty for publishing, as the capital of a company, a larger sum than the subscribed capital.
Sec. 1 of Act of 1906, chapter 14.	—	Penalty for receiving stock in consideration of allowing use of name as director.

Omissions.

Dominion Act of 1906.	Nature of Omission.
Sec. 43 ...	Provision that prospectus must specify contracts entered into by or on behalf of company or be deemed fraudulent.
Sec. 84 ...	Liability of directors where loan is made to a shareholder.
Sec. 86 ...	The liability of directors to creditors where business is commenced before 10 per cent. of the capital has been subscribed and paid for.
Sec. 105 ...	Provision that a printed statement of the affairs and financial position of a company be annually laid before the shareholders at or before each general meeting.

By the Act respecting the Licensing of extra-Provincial Corporations of 1909, any foreign corporation in Manitoba may obtain a license to trade in Manitoba. On application, a certified copy of the charter must be filed and a power of attorney to an agent in Manitoba. A licence confers power to acquire, hold, mortgage, alienate, or otherwise dispose of real estate subject to the same conditions as a Manitoba company. Unlicensed foreign corporations cannot hold real estate. Annual returns must be filed showing particulars similar to those required under the Joint Stock Companies Act. The licence may be revoked at any time for violation of any provision of the Act.

Table shewing material differences between the Manitoba Winding-up Act and the provisions of the Imperial Consolidation Act relating to voluntary winding-up.

Additions.

Winding Up Act of Manitoba.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 6 ...	Sec. 139 ...	Winding-up to commence at the date of the winding up Order instead of at the date of the presentation of the petition.
Sec. 9 ...	Sec. 151 ...	The assets of a company cannot be sold <i>en bloc</i> by a liquidator except with the sanction of the shareholders given at a meeting called for that purpose.

Additions—continued.

Winding-up Act of Manitoba.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 24 ...	—	If a liquidator refuses to take proceedings when requested by any member for the benefit of the company, such member may take them with the sanction of the Court, at his own expense and risk and for his own exclusive benefit.
Secs. 52-54 of Act of 1899.	Sec. 46 ...	Companies whose capital has become impaired may reduce the par value of their shares by special resolution without the necessity to obtain an Order of the Court for the reduction of capital. No such resolution, however, can affect the amount payable on the shares.

Omissions.

Imperial Consolidation Act.	Corresponding provision in Manitoba Act.	Nature of Omission.
Sec. 123 ...	Sec. 15 (2) of Act of 1899.	Provision as to the liability of past members who have ceased to be members within 12 months before the winding-up.
Sec. 210 ...	—	Section as to "fraudulent preference."

NORTH-WEST TERRITORIES.

The law relating to joint stock companies in the Province of the North-West Territories consists of the Companies Ordinance (1901), the Foreign Companies Ordinance, 1903, the Companies Winding-up Ordinance, 1903, and the Trust Companies Ordinance, 1903.

The Companies Ordinances, 1901 and 1903, follow closely, and include most of the sections of the Imperial Consolidation Act which reproduce the provisions of the Imperial Acts of 1862, 1867, and 1877, the Preferential Payments in Bankruptcy Act, 1888, the Directors' Liability Act of 1890, the Companies (Memorandum of Association) Act, 1890, and the Companies Act, 1900.

Those sections of the Imperial Consolidation Act which reproduce the Companies Seals Act, 1864, the Joint Stock Companies Arrangement Act, 1870, the Companies Acts 1879 and 1880 (except Section 7), the Companies (Colonial Registers) Act, 1883, the Companies Act, 1886, the Companies (Winding-up) Acts, 1890 and 1893, the Preferential Payments in Bankruptcy Amendment Act, 1897, and the Companies Acts, 1898 and 1907, find no place in the Ordinances of the North-West Territories.

Table shewing the material differences between the Ordinances and those parts of the Imperial Consolidation Act which reproduce the Imperial Acts mentioned above as having been followed in the Province of the North-West Territories.

Additions.

North-West Territories Ordinance.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 5 of Ordinance of 1901.	Sec. 2 ...	Three instead of seven persons may form a company.
Sec. 44 of Ordinance of 1901.	<i>cf.</i> Sec. 39 of the Dominion Act (1906).	Each shareholder individually liable to the creditors of a company to an amount equal to the amount unpaid on his shares but not liable to an action by any creditor before an execution against the company has been returned unsatisfied in whole or in part.

Additions—continued.

North-West Territories Ordinances.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 53 of Ordinance of 1901.	<i>cf.</i> Secs. 29 and 84 of the Dominion Act (1906).	No loan to be made by company to any shareholder. If any such loan be made, the directors to be jointly and severally liable.
Sec. 54 of Ordinance of 1901.	<i>cf.</i> Sec. 85 of the Dominion Act (1906).	Directors to be jointly and severally liable to clerks, labourers, servants and apprentices for wages not exceeding six months during time they are directors. No action, however, to be brought unless an execution against the company has been returned unsatisfied in whole or in part.
Sec. 62 of Ordinance of 1901.	<i>cf.</i> Sec. 47 of the Dominion Act (1906).	A special resolution of the shareholders is necessary to empower directors to issue preference shares.
Secs. 63-68 of Ordinance of 1901.	—	These sections deal with mining companies and provide for incorporation without personal liability to shareholders beyond the amount actually paid up on their shares. Shareholders in such companies are not liable to pay calls, but their shares may be sold by auction if default is made in the payment of a call. All documents issued by companies of this class to have after or under the name the words "non-personal liability."
Sec. 6 of the Companies Winding-up Ordinance, 1903.	Sec. 139 ...	Winding-up to commence from the date of a winding-up order instead of the date of presentation of the petition.
Sec. 8 (3) and (4) of the Companies Winding-up Ordinance, 1903.	Sec. 151 ...	No sale of assets <i>en bloc</i> to be made unless with sanction of shareholders at a meeting called for that purpose.
Sec. 23 of same Ordinance.	—	On the refusal of a liquidator to institute proceedings which a shareholder thinks are for the benefit of the company, the shareholder may, with the sanction of the Court, take such proceedings in the name of the liquidator or of the company, but at his own expense and risk and for his own exclusive benefit.
Foreign Companies Ordinance, 1903.	—	Foreign companies trading in the province must be registered. In order to obtain registration a copy of the charter and regulations, of the last balance sheet, and a power of attorney to an agent in the Province must be lodged with the Registrar. A statement must also be lodged annually giving particulars as to the capital, head office, names and addresses of directors, the date of the last annual meeting, and such further information as the Registrar may require. A similar provision was included in the Imperial Companies Act of 1907.
Trust Companies Ordinance, 1903.	—	A registered company can hold land as fully and freely as private individuals. A Trust Company which has been previously approved by the Lieutenant-Governor may be appointed by the Court to act as trustee, executor or guardian of a minor's estate. No company, however, which has issued or has power to issue debentures can be so approved. The Court or the Lieutenant-Governor may from time to time appoint an inspector to examine the affairs of any such company and report.

Omissions.

Imperial Consolidation Act.	Nature of Omission.
Sec. 19 ...	Prohibition against companies not formed for profit holding land. This is part of the English law of mortmain.
Sec. 20 ...	Provision that associations not for profit may under licence register without the word "limited" at the end of the name.
Secs. 93-99 ...	Provisions relating to the filing with the Registrar of information concerning mortgages and charges.
Sec. 210 ...	Section as to "fraudulent preference."

PRINCE EDWARD ISLAND.

There is only one Act of the Legislature of the Province of Prince Edward Island relating to joint stock companies, namely, The Prince Edward Island Joint Stock Companies Act (1888). This Act follows closely the provisions of the Acts of the Dominion Parliament. There is no special legislation in Prince Edward Island with regard to the winding-up of companies, and consequently the Winding-up Act of the Dominion Parliament is applicable.

Table showing material differences between the Prince Edward Island Act and the Dominion Acts.

Additions.

Prince Edward Island Act.	Nature of Addition.
Sec. 29 ...	Any byelaw for the issue of stock at a greater discount than that previously authorized at a general meeting must be confirmed by a general meeting before being acted on.
Sec. 32 ...	The whole of a company's capital (instead of 90 per cent.) must be taken up and 50 per cent. thereon paid in before an increase of capital can be made.
Sec. 69 ...	Issue of stock to represent increased value of property prohibited, also, "the practice commonly known as the watering of stock." Any prohibited issue of stock to be void.
Sec. 83. <i>cf.</i> Sec. 25 of the Imperial Act of 1867, now repealed.	Shares to be deemed to be issued for cash unless a contract is filed.
Sec. 85 ...	Provision limiting the borrowing powers of companies to 75 per cent. of the actual paid-up stock of the company.

Omissions.

Dominion Act of 1906.	Nature of Omission.
Sec. 47 ...	Provision that the sanction of a bye-law passed by a three-fourths majority of the shareholders present at a meeting representing two-thirds of the stock of the company must be obtained by the directors before issuing preference stock.
Secs. 26 and 86 ...	Provision that business is not to be commenced, under penalty of liability of the directors to the creditors, until 10 per cent. of the capital has been subscribed and paid for.
Sec. 85 ...	Liability of directors to clerks, labourers, servants, or apprentices "for all debts not exceeding six months' wages due for services performed for the company while they are directors."
Sec. 92 ...	Provision for the appointment of inspectors.
Sec. 106 ...	Provision for making a return of capital.

BRITISH COLUMBIA.

The law of British Columbia, which in 1906 was contained in no less than thirteen different statutes, has now been consolidated into a single Act—the Companies Act, 1910.

This Act of 1910 has been carefully modelled on the Imperial Consolidation Act and the exact wording of that Act has been followed in all the sections which have been adopted. Thus in British Columbia an important step has been taken towards the unification of the law of companies throughout the Empire.

Table showing the material differences between the British Columbia Act of 1910 and the Imperial Consolidation Act of 1908.

Additions.

British Columbia Act.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 7	—	No company to be incorporated under the Act for working of railways or for carrying on insurance business.
Sec. 12	Sec. 2	Five members instead of seven may form a public company.
Sec. 64	—	Land companies empowered to pay dividends out of the net proceeds of sales of land, such dividends to be taken as reduction of capital.
Sec. 72	Sec. 64	General Meetings to be held within British Columbia.
Secs. 131-138 ...	—	These sections provide for the registration of mining companies with the liability of members limited to the amount actually paid up on the shares and without personal liability for the amount uncalled or unpaid. Such companies to have the words "non-personal liability" on all documents issued by the company.
Secs. 139-177 ...	—	If any call or assessment on the shares be unpaid for sixty days after notice and demand for payment the shares may be sold. Extra-Provincial companies must be either licensed or registered. To obtain either license or registration the company must file with the Registrar a copy of its regulations and a power of attorney to some person residing in the province.
Sec. 183	—	Nothing in the Act to authorise the registration of any Chinese company or association. Winding-up provisions not to apply to companies wound up on account of insolvency, insolvency being dealt with by the Dominion Law

Omissions.

Imperial Consolidation Act.	Corresponding provision in British Columbia Act.	Nature of Omission.
Secs. 19 and 20 ...	—	These sections relate to associations not for profit.
Sec. 38	—	Provision against forgery of share warrants and coupons.
Sec. 82	—	Obligation on companies not issuing a prospectus to file a statement in lieu of prospectus.
Sec. 129	—	Provision that a company may be wound up on the ground that it is unable to pay its debts.
Sec. 130	—	This and some of the following omissions are due to the fact that insolvency is dealt with by the Dominion Law and not by the law of the Province.
Sec. 137	Sec. 185	Definition of "unable to pay its debts."
Secs. 146-149 ...	—	Provisions relating to creditors presenting petitions for winding-up. Liquidator in a voluntary winding-up instead of Official Receiver may present petition in British Columbia.
Sec. 212	—	Sections relating to the Official Receiver.
Secs. 216 and 218 ...	—	The provision that where a company is being wound-up a floating charge on the property of the company created within three months of the commencement of the winding-up shall be invalid except to the amount of cash paid to the company at the time.
Sec. 281	—	Penalties for falsification of books and perjury. Penalty for false statement in any return, certificate, or balance sheet required by the Act.

ALBERTA.

The law relating to joint-stock companies in the Province of Alberta is founded on that of the North-West Territories, the Companies Ordinance (1901) of that Province having been adopted. Amending Acts have been passed by the legislature of Alberta in 1907, 1908, and 1909.

The Foreign Companies Ordinance (1903) of the North-West Territories has also been adopted by the legislature of Alberta and has been amended in that Province by Acts of 1907, 1908, and 1909.

Table showing the chief alterations made by the amending Acts of the Province of Alberta:—

Additions.

Alberta Act.	Nature of Addition.
Sec. 3 of Act of 1908 amending the N.W.T. Companies Ordinance (1901).	Power to reissue redeemed debentures.
Sec. 1 of Act of 1909 amending the N.W.T. Companies Ordinance (1901).	Prospectuses to be filed by a company, the number of shareholders of which is increased to a number greater by ten than the number of applicants for incorporation, or which has its debentures or other securities held by more than ten persons.
Acts amending the N.W.T. Foreign Companies Ordinance (1903).	Certain classes of companies named in a schedule to pay fees on registration as prescribed. Other foreign companies to pay either the same fees, or an annual fee of 50 dollars. The above provisions are, however, not to apply to any telegraph company incorporated by authority of the Dominion Parliament and operated in connection with a railway constructed or operated under the authority of the Dominion Parliament.

Omission.

North-West Territories Companies Ordinance (1901).	Nature of Omission.
Sec. 43	Every share in a company to be deemed to be issued subject to the payment of the whole amount thereof in cash unless otherwise determined by a contract in writing filed with the registrar before the issue of the share.

SASKATCHEWAN.

The North-West Territories Companies Ordinance (1901) has been taken as the foundation of the law of joint stock companies in the Province of Saskatchewan. This Ordinance has been amended by the Saskatchewan legislature by Acts passed in 1906, 1907, 1908, 1908-9, and 1909.

Table showing the chief alterations made by the amending Acts of Saskatchewan.

Additions.

Saskatchewan Act.	Nature of Addition.
Sec. 3 of Act of 1907 ...	Provisions relating to the registration of companies not formed for profit without the word "limited" at the end of the name.
Sec. 39 of Act of 1908 ...	Power to reissue redeemed debentures

COMMONWEALTH OF AUSTRALIA.

NEW SOUTH WALES.

The Acts of New South Wales relating to companies are—the Companies Act, 1899 (consolidating previous statutes in New South Wales as to companies), amending Acts of 1900, 1906 and 1907, and the Companies (Death Duties) Act, 1901.

These Acts comprise, with small exceptions, the provisions of the Imperial Companies Acts 1862, 1867, 1870, 1877, 1883, 1890 and 1898 and consequently comprise the sections of the Imperial Consolidation Act which reproduce the provisions of the Imperial Companies Acts mentioned above.

The provisions of the Imperial Companies Acts (other than those mentioned above) passed subsequently to 1877 have not been followed in New South Wales.

Among the special features of the company law of New South Wales the system of "no liability" companies ought to be noted—a system which has been found useful for mining companies in Australia as in Canada. For the protection of creditors a "no liability" company is bound to use the words "no liability" as the last two words of its name, and no goods may be ordered on behalf of a company of this class except on paper bearing the company's name including the words "no liability."

Attention should also be drawn to the Death Duties Act of 1901, under which every company incorporated outside New South Wales for the purpose of mining or of carrying on an agricultural industry in New South Wales is bound to have a registered office in the Colony, and every such company is to be liable to the Government of New South Wales for the payment of death duties on the death of a member of the company wherever such member may be domiciled. The effect of the Act is, however, greatly lessened by a proviso that the duty shall not be payable where the value of the shares held by the member at the time of his death does not exceed £1,000.

Table shewing material differences between the New South Wales Acts and those parts of the Imperial Consolidation Act which reproduce the Imperial Acts mentioned above as having been followed in New South Wales:—

Additions.

New South Wales Act.	Nature of Addition.
Secs. 186-224 of Act of 1899	These sections deal with "no-liability" mining companies. In order to obtain registration as a no-liability mining company, ten per cent. of the contributing capital must be paid up in cash, but shareholders in these companies are not liable to pay calls, and they are not to be entitled to receive a dividend upon any share upon which a call is due and unpaid.
Secs. 272-277 of Act of 1899	Provision on the re-construction of an old company for the vesting of the property of the old company in the new company by means of the Governor's proclamation made on the recommendation of the Chief Judge or Judge in Equity.
Companies (Death Duties) Act, 1901.	Provision for the charge of duties on the death of shareholders (wherever domiciled) in companies incorporated outside New South Wales for the purpose of carrying on mining or agricultural industry in that Colony.
Secs. 7-14 of the Act of 1906	Every foreign company to register its name, a copy of its memorandum and articles, the name and address of its agent, and the situation of its principal office in New South Wales.
Secs. 15-17 of the Act of 1906	<i>A similar provision was included in the Imperial Companies Act, 1907.</i> A compromise or arrangement between a company and its creditors may be made, with the sanction of the Court, if agreed to by a majority in number representing three-fourths in value of creditors present at a meeting to consider it. This provision in effect extends the provisions of the Imperial Joint Stock Companies Arrangement Act, 1870, to cases where no liquidation either compulsory or voluntary exists. <i>A similar provision was included in the Imperial Companies Act, 1907.</i>

Omission.

Imperial Consolidation Act.	Nature of Omission.
Sec. 217	Power to liquidators in voluntary winding-up with sanction of the Court to prosecute delinquent directors.

VICTORIA.

The Victorian Companies Acts were twelve in number at the beginning of the year 1911, viz.:—the Companies Act, 1890 (which was a consolidating Act); the Companies Act Amendment Act, 1892; the Companies Documents Act, 1895; the Companies Act Amendment Act, 1896; the Companies Act, 1896; the Companies Act Amendment Act (September), 1897; the Companies Act Amendment Act (December), 1897, and the Companies Acts, 1900, 1903, 1907, the Companies Names Act, 1908, and the Companies Debentures Acts, 1910, but by a Consolidation Act which came into operation on the 31st January of the present year all the above Acts, so far as they relate to ordinary commercial companies, have been repealed and the provisions of the Imperial Consolidation Act adopted in their place. The unrepealed parts of the Victorian Companies Acts contain the special Victorian legislation with regard to "life assurance companies," "trustee companies," "mining companies" and "no-liability" companies; and it may be added that the existing legislation with regard to "no-liability companies" has been repealed except so far as existing companies are concerned.

The draftsman of the Victorian Consolidation Act has been scrupulously careful in following the views expressed by the Melbourne Chamber of Commerce (see p. 3 *supra*), and has avoided anything in the nature of trifling deviations from the Imperial Statute of 1908. As the Chamber of Commerce pointed out in their memorandum, the legal profession in Melbourne and the Victorian Courts will in consequence have the full advantage of the English text books and decisions explaining and interpreting the law.

In the Table which is set out below of additions and omissions as compared with the Imperial Statute, it may be pointed out that special care seems to have been taken by the Victorian Legislature to safeguard the interests of the ignorant investor by forbidding the use of the words "savings," "savings bank" or "savings institution" as part of the title of a company. The advertising of the amount of nominal capital without the prefix of the word "nominal" is also forbidden.

A somewhat surprising addition to the Imperial Acts is the provision that a company not formed for profit which has obtained a licence to omit the word "limited" from its name on the ground that it is formed for the purpose of promoting commerce, literature, art, science, religion, charity, or any useful or benevolent object may, with the sanction of a special resolution, establish and maintain billiard tables, chess, draughts, and other lawful games for the use of its members.

Table shewing material differences between the Victorian Act and the Imperial Consolidation Act:—

Additions.

Victorian Act.	Corresponding provision in the Imperial Consolidation Act.	Nature of Addition.
Sec. 10 of Act of 1910.	Sec. 2	Five persons instead of seven may form a company.
Sec. 27 of Act of 1910.	Sec. 20	Companies not formed for profit may, if authorized by memorandum of association, or with sanction of special resolution, establish and maintain billiard tables, chess, draughts, and other lawful games, for the use of their members.
Sec. 45 of Act of 1910.	Sec. 38	Maximum penalty for forgery of plates for share warrants to bearer to be 15 years' penal servitude instead of three years.
Sec. 72 of Act of 1910.	Sec. 65	A statutory meeting may by extraordinary resolution of which no notice has been given appoint a committee of inquiry and may adjourn from time to time and at adjourned meeting may pass a resolution to wind up.
Sec. 89 of Act of 1910.	—	Prospectus when advertised in the public press need not contain the particulars required by the Act except with respect to the names, addresses, and descriptions of directors and number of shares held by them, and with respect to the minimum subscription, provided that the advertisement states that the requirements have not been fully complied with, and states also where a full copy of the prospectus can be obtained.

Additions—continued.

Victorian Act.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 115 of Act of 1910.	—	All companies to keep proper books, and send copy of balance sheet to shareholders.
Sec. 120 of Act of 1910.	Sec. 112 ...	Partner of a director not to be eligible as auditor. A debtor to the company not to be appointed auditor, and, if an auditor becomes indebted to the company, his office to thereupon become vacant.
Sec. 121 of Act of 1910.	Sec. 113 ...	Auditors to use reasonable diligence to ascertain that the books have been correctly kept. Directors to certify that the balance sheet exhibits a true and correct view of the company's affairs. Directors to supply auditors with private balance sheet, together with details on which shareholders' balance sheet is founded, duplicate of which is to be filed with Registrar-General in sealed envelope, to be opened only by Order of Court.
Sec. 123 of Act of 1910.	—	No person to act as auditor for any company unless he holds a licence from the Companies Auditors Board authorising him to act as an auditor for companies.
Sec. 129 of Act of 1910.	Sec. 120 ...	Court may alter or vary compromise or arrangement made by a company with its creditors or contributories.
Sec. 130 of Act of 1910.	Sec. 121 ...	"Proprietary companies" are defined as companies with not more than 50 members, and which by their memoranda of association prohibit the receipt of deposits except from their members, instead of any invitation to the public to subscribe for their shares and debentures. The word "proprietary" as well as "limited" to form part of the name.
Sec. 187 of Act of 1910.	—	No director, manager, or promoter to be eligible to be liquidator in a voluntary winding-up unless supported by resolution of creditors at meeting called for that purpose.
Sec. 208 of Act of 1910.	Sec. 209 ...	Wages of labourers and workmen to be preferential for four instead of two months before winding-up.
Sec. 209 of Act of 1910.	Sec. 210 ...	The words "which had not previously commenced to be wound up voluntarily" have been inserted to remedy a small defect in the Imperial Consolidation Act as disclosed by the judgment in the <i>Russell Hunting Record Co., Limited</i> .
Sec. 270 of Act of 1910.	Sec. 274 ...	The provisions as to foreign companies to apply to those which "carry on business" in Victoria instead of those which "establish a place of business." Company not to be deemed to be carrying on business which does not carry on in Victoria by an agent any business other than selling goods, wares, or merchandise, or which has only invested its funds or other property in Victoria.
Sec. 273 of Act of 1910.	—	No company to lend money on its own shares.
Sees. 274 and 275 of Act of 1910.	—	No banking company to grant advances to directors or officers, and every six months a return to be made to the Registrar-General of the aggregate amount of the advances made by the company in Victoria.
Sec. 276 of Act of 1910.	—	The advertising amount of nominal capital without the prefix of the word "nominal" to be an offence under the Act and punishable by a penalty.
Sec. 278 of Act of 1910.	—	No shares to be issued at a premium until company established twelve months.
Sees. 280 and 281 of Act of 1910.	—	Use of the words "savings," "savings bank," or "savings institution" forbidden, and the right to use the word "bank" or "banking" limited to companies with £200,000 subscribed capital of which not less than £75,000 is paid up.

Omissions.

Imperial Consolidation Act.	Corresponding Provision in Victorian Act of 1910.	Nature of Omission.
Sec. 19 ...	—	Prohibition against companies not formed for profit holding land except under licence. This is part of the English law of mortmain.
Sec. 274 ...	Sec. 270 ...	Provision that foreign companies must have their name exhibited at their place of business and on their billheads and letter paper.

SOUTH AUSTRALIA.

The Acts of South Australia relating to companies are the Companies Act, 1892 (which is a consolidating Act), and the Companies Amendment Act, 1893. These Acts include practically the parts of the Imperial Consolidation Act which reproduce the following Imperial Acts,—the Companies Acts, 1862, 1867, and 1877, the Joint Stock Companies Arrangement Act, 1870, the Preferential Payments in Bankruptcy Act, 1888, the Companies (Memorandum of Association) Act, 1890, and the Directors' Liability Act, 1890 together with section 5 of the Companies Act, 1879, section 7 of the Companies Act, 1880, and sections 8 and 10, part of section 11, and sections 23 (1) and (2) and 24 of the Companies (Winding-up) Act, 1890.

No part of the Imperial Companies Acts of 1900 and 1907 (both of which are now merged in the Imperial Consolidation Act) has been adopted in South Australia.

Among the differences between the Imperial Act and those of South Australia set out below in tabular form attention should be called to the provision that under South Australian law no call can be made in a winding-up for the benefit of vendors' shares in order to place vendors' shares on an equality with shares which have been paid for in cash. This provision may work not unfairly in cases where the property which the vendor has sold to the company is of a speculative character, such for instance, as a mine. Where, however, the vendor has handed over property not of a speculative character but intrinsically worth the price paid for it by the company, it would seem to be somewhat hard that the shares issued to the vendor should be postponed to the shares for which cash was paid, especially in cases where the vendors' shares have been sold to purchasers.

As early as 1892 South Australian law provided that every prospectus should be filed, and that an allotment of shares should not be binding unless the minimum subscription named in the prospectus was reached, and in this way it forestalled similar provisions contained in the Imperial Act of 1900. South Australia has adopted the system of "no-liability" companies, and a provision is inserted that directors shall be personally liable for payment of wages not exceeding four weeks owing by such companies.

Table shewing material differences between the South Australian Acts and those parts of the Imperial Consolidation Act which reproduce the Imperial Acts mentioned above as having been followed in South Australia:—

South Australian Act.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 3 of Act of 1892	Sec. 69 (1) ...	"Special resolution" defined as a resolution passed by a majority of three-fourths without confirmation. This is identical with an extraordinary resolution under the Imperial Consolidation Act.

Additions—continued.

South Australian Act.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 9 of Act of 1892 Secs. 33 & 39 of Act of 1892.	Sec. 2 ... S. c. 62 ...	Five persons to be able to form a company instead of seven. Registered office to be accessible to the public for not less than four hours on at least two days in each week. Secretary to be appointed and to attend at the registered office at the times when it is accessible to the public.
Sec. 48 of Act of 1892.	Sec. 69 (4) ...	Two members instead of five to be able to demand a poll.
Sec. 70 of Act of 1892.	Secs. 46-50 ...	In case of sub-division of shares sanction of the Court necessary in the same way as on a reduction of a company's capital. Creditors apparently have the right to object to sub-division of shares by a company.
Sec. 155 of Act of 1892.	—	No call to be made in a winding-up for the benefit of vendors' shares, and in order to place vendor's shares on an equality with shares which have been paid for in cash.
Secs. 195-210 of Act of 1892, amended by Act of 1893.	—	These sections provide that a foreign company must appoint an attorney resident in the Colony empowered to sue and be sued in any civil or criminal proceedings and must file together with the power of attorney a declaration giving details as to the incorporation of the company, and the execution of the power of attorney: further, that a foreign company must have an office in the Colony where documents can be served, and that three months notice of intention on the part of a foreign company to cease business shall be given in the Government Gazette, and that for three months after such publication legal and other documents may be served on the attorney or at the company's office. <i>A similar provision was included in the Imperial Companies Act, 1907.</i>
Secs. 211, 220 and 225 of Act of 1892.	—	These sections deal with "no-liability" companies. Shareholders in these companies are not liable to pay calls, but they are not to be entitled to receive a dividend upon any share upon which a call is due and unpaid. Directors are to be personally liable for payment of wages not exceeding four weeks owing by such companies.

Omissions.

Imperial Consolidation Act.	Nature of Omission.
Sec. 4 ...	Provisions as to formation of company limited by guarantee. It is not, apparently, now possible to form a guarantee company under South Australian law.
Sec. 19 ...	Prohibition against companies not formed for profit holding land except under licence. This is part of the English law of Mortmain.
Sec. 20 ...	Provision that associations not for profit may under licence register without the word "limited" at the end of the name.
Sec. 37 ...	Provisions relating to share warrants to bearer.
Sec. 251 ...	Liability of members of banking company unlimited in respect of issues of notes.

QUEENSLAND.

There are in Queensland twelve Acts relating to companies, namely, the Companies Act, 1863, the British Companies Act, 1886, the Mining Companies Act, 1886, the Companies Act Amendment Act, 1889, the Dividend Duty Act, 1890, the Companies Act, 1891, the Companies (Winding-up) Act, 1892, the Companies Act, 1893, the Reconstructed Companies Act, 1894, the Foreign Companies Act, 1895, the Companies Act, 1896, and the Companies Act Amendment Act, 1909.

These Acts embody the majority of the provisions of the Imperial Consolidation Act which reproduce the Imperial Companies Acts, 1862, 1867, 1877, 1879, the Companies Seals Act, 1864, the Joint Stock Companies Arrangement Act, 1870, the Companies (Colonial Registers) Act, 1883, the Companies (Memorandum of Association) Act, 1890, the Directors' Liability Act, 1890, together with certain sections of the Companies Act, 1880, the Preferential Payments in Bankruptcy Act, 1888, and a small part of the Companies (Winding-up) Act, 1890. The Imperial Acts not included are the Companies (Winding-up) Act, 1893, the Preferential Payments in Bankruptcy Amendment Act, 1897, the Companies Act, 1898, and the Companies Acts, 1900 and 1907.

A feature of the Queensland company laws is the distinction drawn between companies formed in other parts of the British Empire and foreign companies. British companies in Queensland, when registered under the British Companies Act, 1886, have the same rights and privileges in the Colony, including the right to hold land, as Queensland companies. Foreign companies, on the other hand, can only hold land in the Colony if they hold the license to that effect of the Governor in Council. In the event of the winding-up of a British or foreign company holding land in Queensland, the proceeds of the land are applicable in the first instance to payment and discharge of the debts of the company contracted in Queensland in priority to other debts.

By the Mining Companies Act, 1886, a system of "no-liability" companies is created for mining companies.

Table showing material differences between the Queensland Acts and those parts of the Imperial Consolidation Act which reproduce the Imperial Acts mentioned above as having been followed in Queensland:—

Additions.

Queensland Act.	Nature of Addition.
Mining Companies Act of 1886.	This Act creates a system of no-liability companies for mining purposes. Shareholders in these companies are not liable to pay calls; on the other hand they are not entitled to receive a dividend upon any share upon which a call is due and unpaid.
British Companies Act, 1886	This Act provides for the registration in Queensland of companies formed in other parts of the British Empire. Such companies desiring to be registered must forward a certificate of incorporation, together with a certified copy of the memorandum and articles of association to the Registrar and pay the prescribed fees, which the Act provides shall not exceed the fees payable upon the registration of a joint stock company under the Laws of Queensland. British companies, when registered, to have the same rights and privileges, including the right to hold land, as Queensland companies. In the event of the winding-up of a registered British company, any land in Queensland shall, subject to any valid mortgages subsisting thereon, be applicable in the first instance in payment and discharge of the debts of the company contracted within Queensland in priority to all other debts.
Sec. 29 of the Act of 1889...	Legalising past and future issues of shares at a discount in cases where the issue has been made <i>bona fide</i> and the company has been carrying on business for at least 12 months.
Foreign Companies Act, 1895.	This Act provides for registration in Queensland of foreign companies, that is to say, companies incorporated according to the laws of a country other than a part of His Majesty's Dominions. Such companies desiring to be registered must forward a certificate of incorporation and documents showing constitution in the same way as British Companies, to the Registrar, and pay the prescribed fees, which are not to exceed the fees payable upon the registration of a Queensland company. Foreign companies, when registered, to have the right to sue and be sued in the Queensland Courts. <i>A similar provision was included in the Imperial Companies Act of 1907.</i>

Additions—continued.

Queensland Act.	Nature of Addition.
Sec. 24 of Companies Act Amendment Act, 1909.	Under this section a registered foreign company upon receiving a licence from the Governor in Council in that behalf, but not otherwise, shall be competent to hold land in Queensland; and in the event of the winding-up of a registered foreign company all land of the company within Queensland shall be applicable in the first instance in payment of the debts of the company contracted within Queensland in priority to any other debts of the company.

Omissions.

Imperial Consolidation Act.	Corresponding provision in Queensland Act.	Nature of Omission.
Sec. 37 Secs. 60 and 61	— —	Provisions relating to share warrants to bearer. These sections provide for the formation of limited companies with unlimited liability on the part of the directors or managers, thus making it possible to create limited partnerships similar to the companies <i>en commandite</i> existing on the Continent.
Sec. 209	Sec. 49 of Act of 1889.	The Imperial Act gives preference to clerks and servants in respect of salary or wages for four months and to labourers or workmen for two months before the winding-up. The Queensland Act of 1889 gives preference to labourers and workmen only, but for three months instead of two.

TASMANIA.

The Acts of Tasmania relating to companies are sixteen in number, namely the Companies Acts, 1869, 1895, 1896, and 1906, the Foreign Companies Act, 1895, the Foreign Companies Act, No. 2, 1898, the Foreign Companies Amendment Acts, 1901, 1902, 1905, and 1907, the Mining Companies Act, 1884, the Mining Companies (Foreign) Act, the Mining Companies Amendment Acts, 1895, 1896, and 1900, and the Bills of Sale Amendment Act, 1908.

The Tasmanian Acts follow closely those parts of the Imperial Consolidation Act which embody the Imperial Companies Act of 1862, together with some of the provisions of the Imperial Companies Acts, 1867, 1877, and of the Companies (Winding-up) Act, 1890. The rest of the provisions of the Imperial Consolidation Act have not been followed or adopted in Tasmania.

Companies formed in other parts of the British Empire have power on registration in Tasmania to hold land in the Colony; other foreign companies are prohibited from holding land in the Colony. Any land held by a foreign company in Tasmania is applicable in a winding-up in discharge of debts contracted in Tasmania in priority to other debts.

Attention must be drawn to the 47th section of the Mining Companies Act, 1884, under which a company can enlarge its capital by increasing the amount payable in respect of each share. This can be effected by a simple majority of shareholders at a meeting convened for that purpose, and thereupon the liability of the shareholders is no longer limited to the nominal amount of the original shares (*cf.* sec. 16 of the same Act).

Table showing material differences between the Tasmanian Acts and those parts of the Imperial Consolidation Act which reproduce the Imperial Acts mentioned above as having been followed in Tasmania:—

Additions.

Tasmanian Act.	Nature of Addition.
Foreign Companies Acts, 1895, 1898, 1901, 1902, 1905, and 1907, with Mining Companies (Foreign) Act of 1884.	These Acts provide that a foreign company may appoint an attorney resident in the Colony empowered to sue and be sued in any civil or criminal proceedings, and must file, together with the power of attorney, a declaration giving details as to the incorporation of the company. Every foreign company must have an office in the Colony where documents can be served. 'Three months' notice of intention on the part of a foreign company to cease business must be given in the Government Gazette, and for three months after such publication legal and other documents may be served on the attorney or at the company's office. No foreign company can hold freehold land in Tasmania unless it has been registered in Tasmania and is established in some part of His Majesty's dominions. Land and other assets belonging to a foreign company are applicable in a winding-up in the first instance in discharge of debts contracted in Tasmania. A similar provision was included in the Imperial Companies Act of 1907. Foreign companies have to pay a stamp duty of £50 on registration, and foreign companies with power to carry on business outside Tasmania as well as in Tasmania have to pay a stamp duty of one penny for every pound of capital to be expended in Tasmania. Every foreign company which carries on business in Tasmania as a Trustee and Executors Company must deposit £5,000, to be retained until the company shall acquire "secured assets" in Tasmania of the value of £15,000; such secured assets cannot be removed from Tasmania and are primarily charged with the liabilities in Tasmania. The 13th section of the Mining Companies (Foreign) Act, 1884, provides that every foreign mining company shall publish half-yearly in the Government Gazette an account of its assets and liabilities. These Acts provide for the registration of companies established for mining purposes. The following points may be specially noticed:— The 47th section of the Mining Companies Act of 1884 enables a mining company to increase its capital by increasing the amount payable in respect of each share. This result can be attained with the sanction of a majority in number and value of the shareholders at a meeting convened for that purpose. Part III. of the Mining Companies Act, 1884, deals with "no-liability companies." Shareholders in these companies are not liable to pay calls, but are not to be entitled to receive a dividend upon any share upon which a call is due and unpaid.
Mining Companies Acts	

Omissions.

Imperial Consolidation Act.	Nature of provision omitted.
Sec. 19	Prohibition against companies not formed for profit holding land except under licence. This is part of the English law of Mortmain.
Sec. 37	Provisions as to share warrants to bearer.
Secs. 60 and 61	These sections provide for the formation of limited companies with unlimited liability on the part of the directors or managers, thus making it possible to create limited partnerships similar to the companies <i>en commandite</i> existing on the Continent.

WESTERN AUSTRALIA.

The Acts of Western Australia relating to companies consist of the Companies Act, 1893 (which is a consolidating Act), the Companies Act Amendment Acts, 1896, 1897, and 1898, the Companies Duty Act, 1899, and the Companies Act Amendment Acts, 1899 and 1902.

These Acts, subject to some exceptions, embody those parts of the Imperial Consolidation Act which reproduce the provisions of the following Imperial Acts, namely, the Companies Acts, 1862, 1867, and 1877, the Joint Stock Companies Arrangement Act, 1870, the Companies (Memorandum of Association) Act, 1890, and the Directors Liability Act, 1890, together with Section 5 of the Companies Act, 1879, Section 7 of the Companies Act, 1880, part of the Preferential Payments in Bankruptcy Act, 1888, Sections 5 (1), 12 (4), 23 (1), (2) and (3), and Section 24 of the Companies (Winding-up) Act, 1890. Practically without exception the parts of the Imperial Consolidation Act which reproduce the Imperial Acts of 1900 and 1907 have not been followed.

As in the Acts of South Australia the law of Western Australia provides that no call shall be made in a winding-up for the benefit of vendors' shares, and in order to place vendors' shares on an equality with shares which have been paid for in cash.

In Western Australia, as in the other Australian Colonies, the system of "no-liability" companies has been adopted.

Table shewing material differences between the Western Australian Acts and those parts of the Imperial Consolidation Act which reproduce the Imperial Acts mentioned above as having been followed in Western Australia:—

Additions.

Western Australian Act.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 3 of Act of 1893.	Sec. 69	Special resolution defined as a resolution passed by a majority of three-fourths without confirmation. This is identical with an extraordinary resolution under the Imperial Consolidation Act.
Sec. 9 of Act of 1893.	Sec. 2	Five persons instead of seven to be able to form a company.
Sec. 39 of Act of 1893.	—	Situation of registered office to be approved by Registrar.
Sec. 40 of Act of 1893.	—	Directors to appoint secretary, who is to attend at company's office during business hours.
Sec. 42 of Act of 1893.	—	Accounts of stock in trade, receipts and expenditure, assets and liabilities to be kept by directors, and to be open to the inspection of members during business hours.
Sec. 72 of Act of 1893.	Secs. 46-56	Sanction by the Court is by this section made necessary for sub-division of shares in the same way as for reduction of capital of a company. Creditors, apparently, have the right to object to sub-division.
Sec. 105 of Act of 1893.	Sec. 127	Power is given by this section to the trustee of a bankrupt to disclaim shares in the same way as he can, under the Imperial Bankruptcy Law, disclaim a leasehold.
Sec. 158 of Act of 1893.	—	No call to be made in a winding-up for the benefit of vendors' shares and in order to place vendors' shares on an equality with shares which have been paid for in cash.
Sec. 185 of Act of 1893.	—	Liquidators not to pay money into their private banking account.
Secs. 198-212 of Act of 1893.	—	These sections provide that a foreign company must appoint an attorney resident in the Colony empowered to sue and be sued in any civil or criminal proceedings, and must file, together with the power of attorney, a declaration giving details as to the incorporation of the company. A foreign company must have an office in the Colony where documents can be served. Three months' notice of intention on the part of a foreign company to cease business must be given in the Government Gazette, and for three months after such publication legal and other documents may be served on the attorney or at the company's office. A similar provision was included in the Imperial Companies Act of 1907.
Secs. 213-221 of Act of 1893.	—	These sections deal with no-liability companies. Shareholders in these companies are not liable to pay calls, but are not to be entitled to receive a dividend upon any share upon which a call is due and unpaid. No company can be registered as a no-liability company until it has been proved that 5 per cent. of the capital has been paid up and lodged at a bank.
Sec. 225 of Act of 1893.	Sec. 80	Copies of prospectus to be filed in all cases.

Additions—continued.

Western Australian Act.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 226 of Act of 1893.	Sec. 81	Allotment not to be binding unless the minimum subscription stated in the prospectus is reached. <i>The principles involved in sections 225 and 226 were adopted in the Imperial Act of 1900.</i>
Sec. 3 of Act of 1898.	—	Every foreign company carrying on business within the Colony to open and keep Colonial Register.
Sec. 7 of Act of 1898.	—	This section empowers the Colonial Treasurer in his discretion to exempt from <i>ad valorem</i> duty any instrument whereby assets of a pre-existing company are transferred to a new company on a reconstruction.

Omissions.

Imperial Consolidation Act.	Nature of Omission.
Secs. 2 and 4	Provisions as to companies limited by guarantee.
Sec. 19	Prohibition against companies not formed for profit holding land except under licence. This is part of the English law of Mortmain.
Sec. 20	Provision that associations not for profit may, under licence, register without the word "limited" at the end of the name.
Sec. 37	Provisions relating to share warrants to bearer.

NEW ZEALAND.

The law relating to companies in New Zealand is now contained in two Acts, the Companies Act, 1908, which reproduces almost word for word the previous Act of 1903 and consolidates with it the provisions of the Mining Companies Act, 1904, and the Companies Amendment Act, 1910.

The New Zealand Act, subject to a few exceptions, embodies those sections of the Imperial Consolidation Act which reproduce the provisions of the Imperial Acts of 1862, 1867, 1877, 1900, the Joint Stock Companies Arrangement Act, 1870, the Directors' Liability Act of 1890, the Companies (Memorandum of Association) Act, 1890, and the Preferential Payments in Bankruptcy Act, 1888, together with Sections 4, 5, 9, and 10 of Imperial Companies Act, 1879, and Section 7 of the Imperial Companies Act, 1880. With one small exception the parts of the Imperial Consolidation Act which reproduce the Imperial Act of 1907 have not been adopted in New Zealand.

The Company Law of New Zealand contains several provisions differing from those contained in the Imperial Acts. One of the new provisions is that a statutory declaration shall be made by the Directors in the case of a company not issuing a prospectus, that in their opinion the money subscribed is sufficient to justify the Company in commencing business.

The establishment of a Public Department called the Audit Office should be noted. The Governor is required, on the application of a majority in number representing two-thirds in value of the shareholders in any company, to order the accounts of the company to be audited by this office, the expenses of the audit to be paid by the company.

"Private companies," so named, differ from private companies in the Imperial Consolidation Act, the conditions being that the number of members shall not exceed twenty-five, and that all the registered share capital shall be subscribed for in the Memorandum of Association.

All companies in New Zealand are subject to an annual duty of one shilling per cent. on the nominal capital, the maximum annual charge for any one company being £200.

Table shewing material differences between the New Zealand Act and those parts of the Imperial Consolidation Act which reproduce the Imperial Acts mentioned above as having been followed in New Zealand:—

Additions.

New Zealand Act of 1908.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 35	—	Provision that it shall be the duty of directors to refuse to register a transfer of shares on which a call is unpaid.
Sec. 52	—	Profits may be divided notwithstanding loss of capital caused by the working of a mine, patent, or other wasting asset. This is in accordance with the English decisions on the point.
Secs. 72 and 73 ...	—	Directors' fees to be withheld if calls due from them.
Secs. 76, 78, 79, 80, and 81.	Sec. 84	Legal actions or proceedings against directors under the sections named to be brought within three years.
Sec. 80	—	Expert wilfully giving false assay certificate, or report to be criminally liable.
Sec. 99	—	Statutory declaration to be made by the directors in the case of a company not issuing a prospectus that in their opinion the money subscribed is sufficient to justify the company in commencing business.
Secs. 136-139 ...	—	These sections require the Governor on the application of a majority in number representing two-thirds in value of the shareholders in any limited company to order the accounts of such company to be audited by a public department called the Audit Office, the expenses of the audit to be paid by the company.
Secs. 164-172 ...	cf. Sec. 121	These sections empower "private companies" to be registered as such, the conditions being that the number of members shall not exceed 25, and that all the registered share capital shall be subscribed for in the memorandum of association. Private companies to be exempt from obligation to file articles of association with Registrar or to make annual returns of capital and shareholders.
Sec. 251	Sec. 194	In the event of a winding-up continuing for more than one year the liquidator is to call a general meeting each year.
Secs. 297-321 ...	—	These sections provide that a foreign company may appoint an attorney resident in the Colony empowered to sue and be sued in any civil or criminal proceedings and generally able to bind the company. The attorney is to file a copy of his power of attorney with the Registrar. Every foreign company must have an office in the Colony where documents can be served. Three months notice of intention on the part of a foreign company to cease business must be given in the Government Gazette, and for three months after such publication legal and other documents may be served on the attorney or at the company's office. <i>A similar provision was included in the Imperial Companies Act of 1907.</i>
Stamp Act, 1882 ...	—	Annual licences to be obtained by all companies, whether incorporated in New Zealand or elsewhere, carrying on business in New Zealand, and 1s. duty per £100 of nominal capital paid yearly, the maximum annual charge to be £200.

SOUTH AFRICA.

CAPE OF GOOD HOPE.

The law relating to companies in Cape Colony is contained in three Acts, the Companies Act, 1892, the Company Debenture Act, 1895, and the Companies Act Amendment Act, 1906.

The Acts of 1892 and 1906 follow closely and contain nearly all the sections of the Imperial Consolidation Act which reproduce the provisions of the Imperial Companies Acts of 1862, 1867, and 1877, the Companies' Seals Act, 1864, the Joint Stock Companies Arrangement Act, 1870, the Preferential Payments in Bankruptcy Act, 1888, the Companies (Memorandum of Association) Act, 1890, the Directors' Liability Act, 1890, and Sections 8, 10, 23 (1) and (2), and 24 of the Companies (Winding-Up) Act, 1890. The remaining Act of Cape Colony, that of 1895, deals only with the creation and registration of debentures.

The law of Cape Colony does not comprise any of the provisions of the Imperial Consolidation Act which reproduce the Imperial Acts of 1900 and 1907.

The most important point of difference in the Companies Acts of Cape Colony as compared with the corresponding sections of the Imperial Consolidation Act is the extension to voluntary liquidations of the provisions as to inquiry into the causes of the failure of a company and as to the conduct of its directors which, under the Imperial law, are applicable only in the case of companies ordered by the Court to be wound up compulsorily. Under the provisions of the Act of 1892, the liquidator in a voluntary liquidation in Cape Colony can apply to the Court for an Order that the promoters or directors be publicly examined in the same way as if the company were in compulsory liquidation.

Table shewing material differences between the Acts of Cape Colony and those parts of the Imperial Consolidation Act which reproduce the Imperial Acts mentioned above as having been followed in Cape Colony.

Additions.

Cape of Good Hope Act.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 58 of Act of 1892.	—	First issue of shares to be made in such manner as may be provided by the memorandum of association. Subsequent issues to be by tender, the tender of a member to be preferred to that of a non-member; if offered to any person who has not publicly tendered for them, no contract relating to the shares to be binding on the company until confirmed by special resolution of the shareholders.
Sec. 97 of Act of 1892.	—	Share certificate to state in words sum paid up in cash on shares, and the amount of the nominal capital.
Secs. 154 and 155 of Act of 1892.	Secs. 148 and 173	Every liquidator, whether the company is being wound up voluntarily or compulsorily under an Order of the Court, is bound to make a report to the Court as to the causes of the failure, and as to whether any fraud was committed in the promotion of the company or by any of the directors, and the Court may order the public examination of any person who has taken part in the promotion or of any director or officer of the company.

Omissions.

Imperial Consolidation Act.	Nature of Omission.
Sec. 19	Prohibition against companies not for profit holding land except under licence. This is part of the English law of Mortmain.
Secs. 60 and 61	These sections provide for the formation of limited companies with unlimited liability on the part of directors or managers, thus making it possible to create limited partnerships similar to the companies <i>en commandite</i> existing on the Continent.
Sec. 251	Liability of members of banking company unlimited in respect of issues of notes.

NATAL.

The law relating to companies in Natal is contained in the following Laws and Act, the Joint Stock Companies Limited Liability Law, 1864, Law Number 18 of 1865, the Winding-Up Law of 1866, the Joint Stock Companies Amendment Law, 1893, Law Number 3 of 1896, and the Share Pledge Act, 1899.

These Laws and Act follow in a very small degree the wording of the Imperial Consolidation Act, the only provisions which have been adopted being Sections 1, 3, 7, 41 (part), 44, 63, 123, 124, 129, 130, 137 (part), 138, 141, 142, 149 (1) (2) (6) (7 part) and (8), 150 (2), 151 (part), 158 (5), 163 (1), 166, 243 (6), 249, 261. It will be noticed that the greater number of the Sections adopted are concerned with winding up of companies, and that a very small part of the Imperial Acts relating to living companies has been followed.

Under these circumstances no tabular comparison between the laws of Natal and the Imperial Acts would be useful or even possible.

The Company Law of Natal is in every respect very slight, and some measure of its slightness may be found in the fact that the principal Law of 1864 contains only 17 sections while the sections of the first of the Imperial Companies Acts (1862) are 212 in number.

By the Law of 1864, a joint stock company is defined as a partnership in which the capital is divided into shares transferable "without the express consent of all the partners," and must consist of more than 10 persons. (Section 1.)

Any joint stock company may obtain a certificate of registration with limited liability upon application to the Registrar of Deeds, with whom it is necessary to file the deed of settlement executed by not less than 10 shareholders holding shares to the amount in the aggregate of not less than three-fourths of the nominal capital of the company, and having paid up on account of the shares not less than £5 per cent. (Section 2.)

No increase can be made in the nominal capital of any company unless a deed is produced to the Registrar executed by shareholders holding shares to the amount in the aggregate of at least three-fourths of the proposed increase of capital unless it is proved that not less than £5 per cent. has been paid up by the holders. (Section 6.)

Apparently, any company has full power to change its objects by sending to the Registrar of Deeds a copy of a supplementary deed of settlement, but such supplementary deed would, apparently, have to be executed by every shareholder. (Section 7.)

An important provision is contained in the first Section of Law Number 18 of 1865, which provides that "if an execution be issued against the property of a company and if "there cannot be found sufficient whereon to levy, then such execution may be issued "against any of the shareholders to the extent of the portions of their shares respectively "in the capital of the company not then paid up." No such execution, however, is to be permitted to be issued against any shareholder except upon an Order of the Court.

By the Joint Stock Companies Amendment Law, 1893, it is provided that in the case of companies thereafter registered, every share shall be deemed to have been issued and to be held subject to the payment of the whole amount thereof unless it has otherwise been determined by a contract duly made in writing and filed with the Registrar of Deeds at or before the issue of such share, and every director who issues any document entitling any person to a fully paid-up share when the whole amount of such share has not been paid up in cash shall be liable to a fine not exceeding £1000 or to imprisonment for any period not exceeding two years, or to both such fine and imprisonment.

As pointed out above, the law relating to companies in Natal is very slight in character and contains very few of the provisions which have been thought necessary in the Imperial Consolidation Act for the protection of shareholders and creditors.

TRANSVAAL.

There is only one statute relating to companies in the Transvaal—the Companies Act, 1909.

This Act is founded upon the Imperial Consolidation Act, and great care has been taken by the draftsman to adopt the exact wording of the Imperial Consolidation Act so that decisions of the Courts of this country will be of service to and assist the Courts of the Transvaal.

By the passing of the above-named Act a real advance has been made towards the unification of company law throughout the Empire.

Table showing the material differences between the Transvaal Act and the Imperial Consolidation Act:—

Additions.

Transvaal Act.	Corresponding provision in Imperial Consolidation Act.	Nature of Addition.
Sec. 10	Sec. 8	No company to be registered with name 1. Calculated to cause annoyance or offence or suggestive of blasphemy or indecency. 2. Embracing "Royal" "Imperial" without consent of the Government.
Secs. 23 and 28 ...	Secs. 23 and 28 ...	Certificates of management shares and shares of vendors, founders, and promoters to show clearly that they are such, and no transfer of these shares to be permitted till six months after the registration of the company.
Sec. 26	Sec. 26	Annual list of members to include <i>past</i> members who held shares not fully paid up. Registrar may, in addition to the annual return, at any time require a company to file a list of its members.
Sec. 65	—	Notice to be given to foreign shareholders in case of matters requiring the sanction of an extraordinary or special resolution.
Sec. 67	Sec. 69	If less than one-fourth of the total votes of the company be present at a meeting at which an extraordinary resolution is proposed the meeting to be adjourned, and the procedure is prescribed therefor.
Sec. 83	Sec. 85	Minimum subscription to be not less than 75 per cent. of the capital offered for subscription and the amount payable on application to be not less than 10 per cent. instead of 5 per cent.
Sec. 99	Sec. 112	The appointment of auditors before a statutory meeting to be compulsory instead of optional.
Sec. 112	Sec. 129	The loss of 75 per cent. of the paid-up share capital to be a ground for a winding-up order.
Sec. 209	—	Schemes for amalgamation to be submitted to the Minister prior to submission to a general meeting of the company.

Omissions.

Imperial Consolidation Act.	Corresponding provision in Transvaal Act.	Nature of Omission.
Sec. 4	—	Section relating to companies limited by guarantee. All reference to these companies is omitted throughout the Transvaal Act.
Sec. 12	Sec. 15	Provision that Articles of Association must be printed.
Sec. 16	Sec. 18	Provision that companies shall have a common seal.
Sec. 40	—	Power to companies to return accumulated profits in reduction of share capital.
Secs. 23-99	—	Registration of mortgages and charges.
Secs. 249-266 ...	—	Requirements on registration of existing companies.

ORANGE RIVER COLONY.

The company law of the Orange River Colony is contained in chapter 100 of the Statute Law of the Orange Free State, which was codified in 1891, in Law Number 2, 1892, Law Number 4, 1892, and the Companies Amendment Ordinance Number 24 of 1904.

The law of the Orange Free State as to companies appears to have been founded on the law of Natal, which it follows very closely. The Ordinance of 1904, while amending the old law of the Orange Free State in some respects on the lines of the Imperial Acts, deals mainly with the requirements to be made of foreign companies carrying on business within the Orange River Colony.

The only parts of the Imperial Consolidation Act which are included in the Laws of the Orange River Colony, as amended by the Ordinance of 1904, are the following Sections, namely Sections 1, 2, 3, 6, 7, 8 (5), 14, 63, 126, 129, 130, 139-142, 144, 145, 149-151, 163, 164-172, 174, 176, 177, 181 (part), 205 (2), 206, 210, 211, 214-221, 222 (part), 243 (6) and (7).

By the codified Law of 1891, a joint stock company is defined as one in which the capital is divided into shares transferable without the express consent of all the shareholders, and the minimum number of shareholders is fixed at 25. By the Ordinance of 1904 the number of shareholders necessary to form a company is reduced from 25 to 7.

As in Natal, if any execution be granted against the property of a company and if no sufficient property is found on which such execution can be levied, the execution may then be issued against any shareholders to the extent of the then unpaid portion of their respective shares in the company. Such execution, however, can only be levied against a shareholder with the sanction of the Court. (Section 12 of 1891.)

By the 19th Section of the Law of 1891, it is provided that it shall not be lawful that partners of a firm or persons related to each other in ascending, descending, or collateral line up to the third degree, whether by blood or affinity, shall at the same time be appointed and sit and act as directors in one and the same company established with limited liability, and by the 20th Section no one may be appointed or act as auditor of a company if one or more of the directors of the company is his partner or partners, or if one or more of the directors of the company is or are connected by blood or affinity with such person, whether in ascending, descending, or collateral line up to and including the third degree.

Section 19 was repealed by the Ordinance of 1904, but Section 20 is still part of the law of the Orange River Colony.

Under the Ordinance of 1904 every foreign company must file particulars of its constitution before commencing business, and must file annually a return giving particulars of capital, the address of its principal office, and the name of its agent in the Colony on whom documents may be served.

A similar provision was included in the Imperial Companies Act of 1907.

BRITISH SOUTH AFRICA COMPANY.

The law with regard to the British South Africa Company's territory is contained in Ordinance No. 2 of 1895 and in Companies Ordinance Amendment Ordinance, 1910. The Ordinance of 1895 may be described as a condensed edition of the Imperial Companies Acts in force at the date of that Ordinance. The Ordinance of 1910 consists only of three sections and deals only with the subject of share warrants to bearer.

The Ordinances of 1895 and 1910 contain the following sections of the Imperial Consolidation Act, namely:—1-3, 6-8, 10-16, 18, 22-27, 29-33, 37, 38, 41-44, 62, 63, 67, 69-71, 74, 77, 78, 100, 101, 109-111, 115-118, 120, 123-127, 129, 130, 137 (part), 138-145, 148-150, 151 (part), 158, 163-172, 174-177, 181-186, 189-198, 205 (1), 206, 210, 211, 214-222, 243, 244, 277 and 278. The Ordinance of 1895 contains also Sections 49, 65 and 70 of the Imperial Companies Act, 1862, and Sections 25, 38 and 39 of the Imperial Companies Act, 1867, all of which are now repealed and find no place in the Imperial Consolidation Act.

An Ordinance founded on the Imperial Consolidation Act was introduced into the Legislative Council early in 1910. It was, however, withdrawn.

Table shewing material differences between the British South Africa Company's Ordinance and those parts of the Imperial Acts mentioned above, which have been followed in the British South Africa Company's territory.

Additions.

British South Africa Company's Ordinance.	Corresponding provision in Imperial Statutes.	Nature of Addition.
Sec. 44 of Ordinance of 1895.	Sec 38 of Act of 1867 (now repealed).	Prospectus to state nature and tenor of contracts.

Additions—continued.

British South Africa Company's Ordinance.	Corresponding provision in Imperial Statutes.	Nature of Addition.
Sec. 62 of Ordinance of 1895. Sec. 104 of Ordinance of 1895.	Sec. 69 of Consolidation Act. Secs. 143 and 175 of Consolidation Act.	Special Resolution. Limit of <i>two</i> months instead of <i>one</i> between the two meetings. Official Liquidator <i>must</i> make further report and Court may order a public examination on either the preliminary or the further report. Additional clause with regard to apprehension of any person failing to attend examination.
Sec. 105 of Ordinance of 1895. Secs. 152-154 of Ordinance of 1895. Sec. 165 of Ordinance of 1895.	— Sec. 209 of Consolidation Act. Sec. 217 of Consolidation Act.	Provisions as to Reports to the Court and Public Examination to apply to voluntary liquidations. Wages of servants to be paid in full for period not exceeding <i>six</i> months preceding winding-up. In the provision for the prosecution of delinquent directors, &c., the Ordinance lays down that it is "the duty of" (instead of that it is "lawful for") the Liquidators to prosecute.

Omissions.

Imperial Consolidation Act.	Nature of Omission.
Secs. 4 and 5	Provisions relating to unlimited companies, and companies limited by guarantee. It is not possible to incorporate such companies under the Ordinance.
Sec. 19	Prohibition against companies not formed for profit, holding land except under licence. This is part of the English law of Mortmain.

Table showing the more important information required to be filed at the Registries of Joint Stock Companies mentioned below.

Place of Registration.	Situation of Registered Office.	Memorandum and Articles of Association.	List of Directors.	Prospectus.	Statement in lieu of Prospectus.	Contracts.	Return of Allotments.	Particulars as to Capital, Non-paid, Subscribed, and Paid-up.	List of Shareholders.	Register of Mortgages, Charges, and Debentures.	Balance Sheet.	Special Resolution.	Extraordinary Resolution.	Winding-up Order.	Appointment of Receiver for Debenture Holders.
England and Ireland	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Scotland	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
India	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Dominion of Canada	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
Ontario	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
Quebec	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
Nova Scotia	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
New Brunswick	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
Manitoba	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
North-West Territories	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
Prince Edward Island	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
British Columbia	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Alberta	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Saskatchewan	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Commonwealth of Australia:															
New South Wales	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Victoria	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
South Australia	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Queensland	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Tasmania	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Western Australia	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
New Zealand	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
South Africa:															
Cape of Good Hope	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Natal	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Transvaal	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Orange River Colony	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
British South Africa Company.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.

1 Application or petition for Letters Patent to be filed.
2 To be filed only by Companies not having a capital divided into shares.
3 Balance sheets have to be filed by foreign companies carrying on business in New South Wales.
4 When a written request is made therefor by the Provincial Secretary but not otherwise.
5 A list of those who have ceased to be shareholders to be filed on the written request of the Provincial Secretary.
6 Extraordinary resolution for voluntary winding-up only.

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see also CAPITAL.		Liability of directors for	clxiv, clxvii, cli, cliv, clv, clxii
		Preferential payment of	clx, clxiv, clxxiii
		WARRANTS—	
		Share, to bearer	clxvii, clvi, clx, clxii, clxiv, clxv, clxvii, clxxii
		WATERING OF STOCKexlix, clv
		WESTERN AUSTRALIA	clxv
		WINDING-UP—	
		Priority of Colonial creditors in	clxiii
		Within jurisdiction of Dominion Par- liamentexliii, exlv, clvi
		WINDING-UP ORDER—	
		May be made when certain proportion of capital lost	exlv, cli, clxxi
		To be date of commencement of winding up	exlvi, cli, cliv
		To be notice of discharge to servants...	clxii